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**THE FALL OF FEUDALISM  
IN FRANCE**





# THE FALL OF FEUDALISM IN FRANCE

BY

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"THE ABOLITION OF THE ECONOMIC PRIVILEGES OF AGRARIAN FEUDALISM  
... WAS THE DRIVING FORCE OF THE FRENCH REVOLUTION."

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TO  
ALFRED ZIMMERN



## PREFACE

I HAVE, I hope, made my debt to the many French and Russian scholars whose works I have used sufficiently clear in the footnotes to this book. But I cannot forbear to make special mention of M. Ph. Sagnac, the reading of whose admirable *Législation civile de la Révolution française* first set me studying the economic aspects of the Revolution.

SYDNEY HERBERT

ABERYSTWYTH

*September 1920*



# CONTENTS

	PAGE
PREFACE . . . . .	vii
PRINCIPAL WORKS CONSULTED OR CITED . . .	xi
INTRODUCTION . . . . .	xv
CHAP.	
I. FEUDALISM IN 1789. . . . .	I
II. THE PEASANTS AND THEIR PROGRAMME . . .	53
III. THE FIRST PEASANT REVOLT . . . . .	89
IV. THE NIGHT OF 4 AUGUST . . . . .	101
V. LEGISLATION AND INSURRECTION, 1789-90 . . .	111
VI. THE RURAL REVOLUTION, 1790-1 . . . . .	147
VII. THE END OF FEUDALISM . . . . .	178
APPENDIX . . . . .	202
INDEX . . . . .	225





## PRINCIPAL WORKS CONSULTED OR CITED

(Unless otherwise stated, books are always referred to in the notes by the author's name alone, *e.g.*, Aulard, p. 100.)

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## xii THE FALL OF FEUDALISM IN FRANCE

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## xiv THE FALL OF FEUDALISM IN FRANCE

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## INTRODUCTION

FUSTEL DE COULANGES in his classical work on the Origins of the Feudal System describes the most characteristic feature of feudal society as follows: "The soil is parcelled out into great domains called *seigneuries*. A lord reigns over each of them, and all the folk of the domain obey him. These men are judged by him instead of by the king or some other public authority. They pay taxes and owe military service to him instead of to the king. In fact, each domain, taken in itself, resembles a petty state."<sup>1</sup> If to this description we add the statements that the lord may be, and often is, an ecclesiastical corporation, and that the cultivators of the soil hold the land by tenures more or less servile in character, we have a brief but sufficient account of the principal features of the feudal system. To what extent did this system survive in the France of 1789?

To answer this question satisfactorily we must envisage the matter from two points of view, the political and the economic. Feudalism had both these aspects, and since the degree of survival was very different in the two cases, we must consider them separately. Let us begin with the political.

The history of France from the time when Hugues Capet assumed the crown till the reign of Louis XIV. can

<sup>1</sup> Fustel de Coulanges, *Les origines du système féodal*, p. xii.

## xvi THE FALL OF FEUDALISM IN FRANCE

be summarised in few words. It is a record of the destruction of political feudalism by the monarchy. "The twelve centuries of the old régime," says Gabriel Hanotaux, "laboured to constitute a modern nation by the restoration of the idea of the State."<sup>1</sup> When Louis le Gros rode out from his capital to suppress the plundering feudatories who haunted its environs, we may be sure that he was unconscious of the greatness of the task to which he had set his hand; nevertheless, the work was begun, and under his successors it never entirely ceased till the day when, emerging from his minority, the young Louis XIV might, with perfect truth, have used the words that tradition has put into his mouth, "*L'état, c'est moi!*" This great secular labour had been one of enormous difficulty. The feudal opposition to the monarchy had taken many forms and made many strange alliances. Sometimes Protestant with the Huguenots, sometimes Catholic with the League; sometimes allied with England, sometimes with Spain, but always and in essence the same, and always pursuing the same end—the restoration of that happy day when the *seigneur* had reigned like a king over his domain. To break down this opposition the monarchy had had resort to every weapon in its armoury—diplomacy, money, and the sword. But broken down it was at last. The royal armies overthrew the feudal fortresses; the royal law-courts filched jurisdiction from the feudal judges; the royal tax-gatherers thrust themselves between the noble and his vassals. The tide had fairly turned when Louis XI died; neither Coligny nor the Guises could stem it, and when the great cardinals had broken, first, the Protestants, and then the Fronde, the issue was decided once for all.

<sup>1</sup> Hanotaux (G.), *La France en 1614*, p. 105.

Under the inspiration of Saint-Simon, that fierce hater of the upstart and usurping monarchy, a last attempt at reaction was made under the Regency. It failed, and from then till the day when the Revolution trod both Crown and nobility into the dust, the *noblesse* accepted, without a struggle, the order of things which decreed that the *seigneur* should be no more than "the first inhabitant of the parish."<sup>1</sup> The last vestige of his ancient political power was his rights of jurisdiction, and in the exercise of those he was so carefully limited and controlled that, as De Tocqueville said, they were "less a power than a source of revenue."<sup>2</sup>

But this resignation had only been purchased at a great price. The nobles and their dependents were exempt from the most burdensome of the direct taxes which weighed so heavily upon the Third Estate. They monopolised the well-paid offices of the administration in which no active labour was required. They figured largely upon the pension-list. A royal decree, which was issued so late as 1781, reserved the commissioned ranks in the army to those who could show a certain number of quarterings of nobility. In the same way, the higher offices of the Church had become the close preserve of men of rank. After 1783, not one holder of the 135 French bishoprics and archbishoprics was of plebeian origin.<sup>3</sup> Not all the members of the noble class, of course, profited by this golden manna. There was a great gulf fixed between the *noblesse de cour* and the *noblesse de campagne*; between the Rohans, the Liancourts, the Polignacs, and those impoverished nobles whom Arthur Young found subsisting on fifty and even

<sup>1</sup> Tocqueville, p. 36.

<sup>2</sup> *Ibid.* p. 37.

<sup>3</sup> Lavisse, *Histoire de France*, vol. ix. (1) p. 148.



## xviii THE FALL OF FEUDALISM IN FRANCE

twenty-five louis a year, in the Rouergue.<sup>1</sup> Some of this latter class, indeed, lived the lives of peasants. When the nobles of Poitou met in March 1789 to elect their representatives to the States-General, "seven gentlemen were present at the assembly dressed like peasants. None of them had a sword at his side. The commissioners appointed by the order of the nobility procured arms for them and paid their bills at the hotel. When questioned, these gentlemen said that their daughters worked in the farmyard, made the bread, and kept sheep in the fields."<sup>2</sup> Nevertheless, the generalisation holds good that the monarchy had, in part, purchased the resignation of the nobles to their loss of political power by handing over to them financial privileges and a monopoly of the higher offices in Church and State. In part, be it said, for that was not the whole of the bargain. In it we must include the fact that, while their political power had been broken, the economic power of the nobles had been maintained and even strengthened, since the obligations of which it had been the price were no longer fulfilled. In 1789, the *ban* and *arrière-ban* had not been called out for a century. As Boiteau picturesquely says, the nobility "for a hundred years had had only a wooden sword at its side."<sup>3</sup> Political feudalism, then, was dead; economic feudalism was living and vigorous, and it is with a detailed description of this last that we must commence our inquiry.

<sup>1</sup> Young, 29 July and 19 August 1787. For the poor *noblesse* of Brittany, see Sée, *Classes rurales*, pp. 27-30.

<sup>2</sup> *Procès-verbal* of the Assembly, in Kovalewsky, vol. i, p. 9.

<sup>3</sup> Boiteau, p. 34.

**THE FALL OF FEUDALISM  
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## CHAPTER I

### FEUDALISM IN 1789

THE economic organisation of France in the Middle Ages has been studied and described by an admirable band of scholars—Delisle, Luchaire, Seignobos, and Henri Sée, and an attentive study of their works gives us an idea of the system which, though obscure as to certain details, is fully adequate for the purpose of this inquiry. The English student of economic history who knows his Seebohm, Ashley, and Vinogradoff, will have no difficulty in recognising that the essential features of the mediæval land system were the same on both sides of the Channel. In what follows, only those features are summarily described.

The territory was divided into *seigneuries* or (to use the best English equivalent) manors. These were the economic units which went to make up the system as a whole. At the head of each was a *seigneur*, a lord, who held his estate from the king, mediately or immediately, by the rendering of certain services which we need not stay to consider. He was the pivot, as it were, on which the whole organisation of the manor turned. The land of which this last consisted was divided into two main portions; the lord's land or domain, and the holdings of his tenants. It is with the status and conditions of tenure of the latter that we are most concerned.

## 2 THE FALL OF FEUDALISM IN FRANCE

The tenant was usually a serf. In strict law, he was little better than a slave, without personal property or bodily freedom, but his condition was, in fact, mitigated at once by the self-interest and the religious scruples of his lord. But he was not free to come and go, or to choose his employments at his own will ; he could not even marry when or whom he would.<sup>1</sup> He might be tolerably secure in the enjoyment of his holding, for labour was scarce, and it was to the lord's interest to concede some fixity of tenure ; nevertheless, the tenant held only at his superior's pleasure. When he died, his heir or widow might be admitted to the holding in his stead, but this was legally an act of grace, only to be purchased by payment of a heavy fine.<sup>2</sup>

The actual conditions of the serf's tenure were sufficiently onerous. He was bound to work for so many days in each week upon the lord's domain, using his own plough and team, and to do harvest work or carting when required ; in addition, he had usually to make payments in money or kind, as a supplement to this *corvée* or labour rent.<sup>3</sup> There were also casual charges, levied upon special occasions, and the lord had usually the right to tallage his men at will. Nor were these the only servitudes which weighed upon the peasant. He could not grind his corn at any mill he chose, or bake his bread in his own oven, or press his grapes in his own winepress. The *seigneur* had a monopoly of all these necessary instruments of produc-

<sup>1</sup> " It is certain that the serfs . . . could not marry without their master's authorisation ; this was necessary, even when they married persons living on the same domain and belonging to the same lord." See, *Moyen Age*, p. 71.

<sup>2</sup> " Possession of the tenure was quite precarious ; the lord could revoke it at will. It is well understood, *a priori*, that if the serf die without children, his land falls once more under the direct domination of the proprietor." See, *Moyen Age*, p. 73.

<sup>3</sup> " The *corvées* weigh upon the peasants without distinction. . . . One of the most important is the obligation to till the lord's fields." See, *Mo on Age*, p. 85.

tion, a monopoly which he had both will and power strictly to enforce. Finally, the lord was the tenant's natural judge. One of the most important results of the break-up of the Roman state-system had been the denationalisation of justice, which had, for the most part, become private property, and remained so, to some extent, till the Révolution came to make all things new. The lord had now his own gallows and prison, and executed judgment, often very terrible judgment, upon the vile bodies of his tenants.

Such, in broadest outline, was the land-system of mediæval France. We have now to discover how much of that system survived in 1789.

One feature, at any rate, had not disappeared. France was still parcelled out into *seigneuries* or manors. Over a great part of the territory the old legal rule still held good—"no land without a lord." But the status and powers of these lords had declined, as we have seen, whilst those of the cultivators had improved. Serfdom, in the mediæval sense of the word, had practically vanished, and the peasant had now become either a proprietor or a free tenant-farmer. But in either case he was still subjected to a mass of obligations towards his lord which were direct survivals from the feudal age. These seignorial rights differed widely from province to province, but we can roughly divide them into four main groups:<sup>1</sup> (a) servitudes attaching to persons or properties which may be regarded as the most obvious relics of serfdom; (b) payments or services rendered in money or in kind, charged upon the land held by the cultivator; (c) seignorial monopolies of various kinds; (d) the rights of jurisdiction still exercised by the noble class. We may begin our description of feudalism in 1789 with a discussion of the first of these groups.

As has been said, serfdom, in the full significance of

<sup>1</sup> Cf. Sagnac, p. 32.

#### 4 THE FALL OF FEUDALISM IN FRANCE

the word, had practically disappeared from France, though it existed in all its rigour in other parts of Europe. From some provinces it had vanished at a very early period; from Normandy, for example, by the thirteenth century. Not only was the peasant personally free, but his political status had risen, and he now conducted much of his communal business independently of the *seigneur*. Nevertheless, in certain provinces, tenures of a distinctly servile character still existed in 1789. Most important of these was the *mainmorte*, the "dead hand."

The *mainmorte* of the Middle Ages has been described as "a right of succession in virtue of which the *seigneur* inherits the property of the serf who dies without children living in community with him; for the serf it involves the obligation not to alienate his tenure: to give or sell it would be to deprive the proprietor of a future inheritance."<sup>1</sup> In the latter part of the eighteenth century, though remaining in essence the same, *mainmorte* was classified into two species: "personal," which weighed upon individuals, and "real," which attached to land. This distinction, however, was of theoretical, rather than of practical, importance, and would seem to have arisen from the manner in which persons became subject to this right. Some inherited it from their parents; they were born into a servile status. Others acquired it by the occupation of a servile tenure for a specified period, such as a year and a day.<sup>2</sup> But, to quote a writer who has discussed this difficult question in detail, "there was in reality no great difference between the two conditions. . . . The sources disclose no fundamental distinction between the two groups of serfs as to their rights, and between the two classes of lands, as to the charges weighing upon them."<sup>3</sup> For our purpose it is more important to note the disabilities attaching to the condition. In

<sup>1</sup> Sée, *Moyen Age*, p. 178.

<sup>2</sup> Kartlow, p. 19 et seq.

<sup>3</sup> *Ibid.* p. 24.

its extreme form, these were very onerous. A striking example is provided by the case of the peasants who held lands from the Abbey of Luxeuil. They were compelled to reside on the estate, and could not go elsewhere without the lord abbot's express consent; if, when they died, their children were not living in community with them, their lands reverted to the lord, and, contrary to the custom prevailing in the rest of the province of Franche-Comté, women who married outside the lordship could not retain their right of inheritance by spending their wedding-night under the parental roof; parents could not inherit lands from their children if these died without heirs; and, finally, the unfortunate beings could not enfranchise themselves by abandoning their tenures, another restriction which was exceptional in the province.<sup>1</sup>

Such conditions were peculiarly oppressive, but this instance does not stand alone. In their statement of grievances drawn up in 1789 the peasants of Saint-Pierre-le-Moutier (Nivernais) speak of "the slavish *mainmorte* . . . thanks to which the serfs can neither bequeath their land, nor change their dwelling-places, nor choose their occupations at will": which "admits besides of the partition of these wretched people like cattle, when their fathers belong to one manor and their mothers to another."<sup>2</sup> There were peasants in Burgundy who could neither give nor bequeath their holdings,<sup>3</sup> and Karéiew considers that inability to dispose of land without the lord's consent was a feature common to all forms of *mainmorte*.<sup>4</sup> A circumstance apparently mitigating these hardships was that, in legal theory, the man who was not *mainmortable* by birth but who held servile land, could enfranchise himself at will by abandoning his holding. But it is obvious that this privilege was quite illusory. How was the peasant to live when

<sup>1</sup> Finot, 1880.

<sup>2</sup> *Ibid.* p. 23 note.

<sup>3</sup> Quoted by Karéiew, p. 24.

<sup>4</sup> *Ibid.* p. 22.



## 6 THE FALL OF FEUDALISM IN FRANCE

he had given up his land? In Burgundy, moreover, he was obliged to surrender one, or sometimes two-thirds of his moveable property in addition.<sup>1</sup> Under these circumstances we cannot regard as exaggerated the complaint of a contemporary that "he (the *mainmortable*) is permitted to live at liberty provided that he dies of hunger."<sup>2</sup>

How many persons suffered under these servile conditions in 1789? That, unfortunately, is a question that cannot be answered with precision. *Mainmorte*, properly speaking, seems to have existed only in certain of the provinces of the East and Centre, namely, Franche-Comté, Berry, Burgundy, and Marche; but in both Berry and the Bourbonnais a class of peasants known as *bordiers* were subjected to a similar servitude. They could only transmit their holdings to their heirs, even in direct line of descent, if these were actually living with them at the moment of death. "Other dispositions not less rigorous were attached to this tenure. The non-payment of dues for three years led to its confiscation to the profit of the *seigneur*."<sup>3</sup> This right of *bordelage* may certainly be classed with that of *mainmorte* in considering the different figures which have been put forward in regard to this question. Clerget, writing in 1789, declared that there were a million and a half *mainmortables* in France, and this statement has often been uncritically repeated.<sup>4</sup> But Clerget gave no proofs of his assertion, which, indeed, bears obvious marks of exaggeration. Boncerf, a much better authority, writing at the same period, speaks of 300,000. This seems more reasonable on the face of it, but the only definite figures available are those given by M. Jules Finot in the article

<sup>1</sup> Karéiew, p. 23 note.

<sup>2</sup> The Abbé Clerget, *La Cri de la raison*, 1789.

<sup>3</sup> Mège, p. 64.

<sup>4</sup> Its most recent appearance is in an otherwise excellent article in the *Economic Journal*, March 1919.

previously cited, who says that in the twenty-seven villages held by the Abbey of Luxeuil and the Priory of Fontaine, there were 11,121 *mainmortable* inhabitants. M. Aulard, the latest authority to study the question, contents himself with the cautious statement that "it cannot be denied that there were serfs at the epoch of Louis XVI, and that there were many of them, that is to say, thousands and thousands."<sup>1</sup> To this, in the present state of our knowledge of the matter, nothing of value can be added.

The condition of these *gens de mainmorte* had attracted much attention during the years immediately preceding the Revolution. The existence of such a relic of the Dark Ages was felt to be a shocking anachronism in a period which prided itself on its enlightenment. Voltaire's campaign on behalf of the unhappy peasants of the Jura, held in dead hand by the monks of Saint-Claude, is well known, and it set on foot a movement of which the last stages form the subject of this book. Boncerf's little tract of 1776, on the abuses of feudalism, helped the current of reforming opinion, even though it was suppressed by legal authority. Turgot, as we know, had a scheme for the progressive extinction of economic feudalism which would, incidentally, have abolished *mainmorte*, but he fell from power before it could be put into execution. In 1779, however, Louis XVI, inspired by Necker, issued a famous edict which swept away this relic of serfdom from the royal domain. The preamble of the law states that the king would have wished to put an end to it throughout the realm, but was restrained by regard for the rights of property on the one hand, and the poverty of the exchequer, which forbade any measure of compensation, on the other. He did, however, destroy one glaring abuse: the so-called "right of pursuit," "in virtue of which," says the edict, "lords of fiefs have sometimes pursued into the free

<sup>1</sup> Aulard, p. 11.

## 8 THE FALL OF FEUDALISM IN FRANCE

territories of the realm, and even into our capital, the properties and acquisitions of citizens who have lived outside the place of their servitude for many years, an exorbitant right, which the tribunals have hesitated to recognise, and one of which the principles of social justice forbid us to permit the survival." Finally, the edict expresses the hope that the royal example will be generally followed.

It would be interesting to know to what extent this hope was realised, but here, again, precise information is lacking.<sup>1</sup> What can be positively affirmed is that there was no general movement of emancipation. The Parliament of Franche-Comté refused to register the edict until October 1788, thus making its provisions of doubtful legal effect in that province; the monks of Saint-Claude, as heedless of the king's example as they had been of Voltaire's agitation, still hardened their hearts and refused to set their people free. Clermont Tonnerre, the Abbot of Luxeuil, made a valiant effort to release the serfs on the abbey's lands. He had raised the question as early as 1775, in a memorial to the royal council which forcibly described the apathy, poverty, and economic loss which were the consequences of the right of *mainmorte*. A few sentences deserve to be quoted. "In the thirty years," he wrote, "during which the petitioner has ruled over this abbey, he has seen nothing but heavy, indolent, discouraged and dejected men, lands left uncultivated, culture absolutely neglected, no commerce, no emulation, and a general apathy. . . . *Mainmorte*, then, is at once destructive of agriculture, of manufactures, and of commerce; it is revolting to humanity; it annihilates human existence. By reducing a part of His Majesty's subjects to a kind of insupportable slavery in a free kingdom, it humiliates and crushes them, and renders them, to some extent, incapable of action;

<sup>1</sup> See the interesting discussion of this point in M. Aulard's work, p. 18 et seq.

it is an obstacle to marriage and tends to depopulation, either because those who languish under its yoke refuse to reproduce their slavish race, or by reason of the emigration of inhabitants, fatigued by the servitude under which they groan ; in short, *mainmorte* may be regarded as a scourge to the State. The *seigneurs* themselves, in the districts where this servitude still exists, lose much more by the lack of culture of the lands of their estates than they gain by the escheats, reversions and other casual dues attached to the right of *mainmorte* ; the inheritances are despoiled ; the *mainmortables*, who have nothing but a miserable life to regret and nothing to lose, give themselves up to all kinds of excesses ; *mainmorte* is a source, as abundant as it is continual, of law-suits and contests, as burdensome, expensive and ruinous for the *seigneurs* as for their subjects." <sup>1</sup> But the good abbot's eloquence and humanitarian zeal could not prevail against the apathy of the bureaucracy. In spite of the edict, his plans for the enfranchisement of his *gens de mainmorte* had not received the necessary royal sanction when the Revolution began, and the peasants of Luxeuil were still *mainmortables* in 1789. We shall meet them and their abbot again in the course of this history.

These facts go to prove that there was no widespread movement of liberation following on the royal example, and, if we may judge by the details of two cases known to us, enfranchisement, when it occurred, was sometimes dearly bought. The inhabitants of Pusey, in Franche-Comté, procured their freedom from *mainmorte* and certain other vexatious charges by the payment of a sum of 50,000 *livres* and the cession of a meadow. The inhabitants of La Marche and La Rougère, in the province of Marche, obtained their freedom from servitude in 1788 by the payment of 2526 *livres* to the Prior of Nouzier. "It was squeezing misery itself," they said, "but the

<sup>1</sup> Finot, 1880.

## 10. THE FALL OF FEUDALISM IN FRANCE

state of slavery in which they were held had become insupportable to them." <sup>1</sup> As M. Aulard drily remarks, "it seems that sometimes, however philanthropic they might be, the *seigneurs* encouraged enfranchisement as a means of procuring pecuniary resources or an increase of landed property." <sup>2</sup>

Before proceeding to the next division of the subject we must notice that *mainmorte* and *bordelage* were not the only relics of serfdom that still survived in 1789. In some parts of Brittany a tenure known as *quevaise* resembled them very closely. If the *quevaisier* died without direct heirs living in community with him, his holding reverted to the lord, and he could not sell, concede, or alienate it without the latter's express consent.<sup>3</sup> This, like *mainmorte*, was clearly a survival from the time when the peasant had no true property of his own. The fact that, at the same period, he could not marry when he wished and was taxable at his lord's will, obviously accounts for other burdens which we find weighing upon persons in 1789.<sup>4</sup> The restriction upon freedom of marriage had been reduced to the payment of a money fine at an early date, and this obligation, usually known as *formariage*, had survived in certain provinces, such as Franche-Comté,<sup>5</sup> Brittany, and Auvergne. In the parish of Caulnes (Brittany), "each young man who marries during the year must pay 12 *sols* for his wife, who is herself obliged to dance for the amusement of the *seigneur* or his agents."<sup>6</sup> Elsewhere, the newly-married were obliged to present the lord with gloves, or play at quintain, or leap a stream, or submit to "other usages as insulting as they are absurd."<sup>7</sup> In one district of Auvergne a

<sup>1</sup> Sagnac and Caron, p. 452.

<sup>2</sup> Aulard, p. 36.

<sup>3</sup> Sée, *Classes rurales*, pp. 12-21.

<sup>4</sup> In mediæval France, subjection to these rights was a characteristic sign of servile status. Cf. Sée, *Moyen Age*, p. 175.

<sup>5</sup> Kartiew, p. 25.

<sup>6</sup> Sée and Lésort, vol. iii. p. 225.

<sup>7</sup> Champion, p. 140; Dupont, p. 73.

due known as *corsage* was levied on the peasant when his daughter married or his son entered holy orders ; on one manor this obligation received an extraordinary extension, for there the holder of land paid, not only in the two cases mentioned, but also when his niece, sister, or female cousin married ! <sup>1</sup> To the serf's lack of personal freedom we must also, no doubt, ascribe the origin of the rights of *bienvenue* and *chef-feu*, of which we find examples in Champagne and Quercy respectively. The first was levied on every newcomer to the manor, on those who took wives from thence, and on women who came there to marry. These two last categories paid only half as much as the first.<sup>2</sup> The right of *chef-feu* may best be described by quoting the complaint of the inhabitants of Artix who actually paid it. "The *seigneur*," they wrote in 1789, "exacts from this community a due called *chef-feu* which appears to be the most unjust of charges and one which recalls the ancient servitude of the Gauls ; it consists of a levy of three *livres* seven *sols* made upon each head of a household for the simple right of living in the parish. It is paid by simple labourers who do not own a hand's breadth of land, and is exacted from them with as much rigour as from the richest tenants." <sup>3</sup> The survival of tallage at will is illustrated by the statement of grievances drawn up in 1789 by the inhabitants of Essey-les-Nancy, in Lorraine, which mentions "a right called *charte* by the lord's agent . . . by virtue of which absurd title the lord has power to tax us at will ; this charge varies from 100 to 124 francs for the Haut Château, and from 50 to 44 francs for the Château Bas." <sup>4</sup> Finally, to complete this section, we must note the persistence of the right of demanding sworn faith and homage. M. Champion mentions an instance of this in Provence where a *seigneur* compelled the parish priest and more than three hundred proprietors, kneeling

<sup>1</sup> Mège, pp. 92-3.

<sup>2</sup> Fourastié, p. 14.

<sup>3</sup> Porée, p. 287 note.

<sup>4</sup> Mathieu, p. 315.

## 12 THE FALL OF FEUDALISM IN FRANCE

bare-headed before him, to take an oath of allegiance on the Scriptures.<sup>1</sup>

To turn now to the second category of feudal obligations, that is, payments or services, rendered in money or in kind, and charged upon the land held by the cultivator.

In the early Middle Ages the principal service rendered by the tenant to his lord was compulsory labour on the latter's domain, a species of rent which, owing to the scarcity of workers and of money, formed an indispensable item in the manorial economy. But with the progress of civilisation and of the peasant's enfranchisement, these *corvées*, as they were called, were increasingly commuted for fixed payments in money or in kind, known as *cens* or *censives*. Sometimes this rent took the form of a specified share of the produce of the land, when it was known as *champart*, *terrage*, or *tierce*. In the majority of cases it would seem that the *cens* included payments both in money and in produce. The Abbey of Hambye, for example, received from nine peasants in the parish of Lengronne 116½ *demeaux* [a local measure] of wheat, 10 fowls, 2 capons, 10 loaves, 98 eggs, and 2 *livres*, 7 *sols*, 7 *deniers* in money.<sup>2</sup> The amount of these rents varied infinitely from manor to manor in 1789; in many cases they had not altered for a century or more, and the fall in the value of money had greatly reduced the importance of that portion of them which was actually paid in coin.<sup>3</sup> It must not be assumed, however, that this stationary condition was universal. In 1585, to take only one example of the contrary tendency, the parish of Pierre-Moraine, in Champagne, paid 68 bushels of grain to its *seigneur*; by 1608 this charge had increased to 1268 bushels and 11 capons; in 1666 it was 1854 bushels and 11 capons; in 1735 it rose to 3000 bushels, at which

<sup>1</sup> Champion, p. 140 note.

<sup>2</sup> Bridrey, vol. i. p. 399 note.

<sup>3</sup> Sée, *Classes rurales*, p. 93, quotes a number of cases where rents had varied very slightly or not at all between 1622 and 1785.

figure it stood in 1789.<sup>1</sup> Nor, of course, does the above remark apply to the *champarts*, the real value of which increased along with the rise in the price of food which was so marked in France in the latter part of the eighteenth century. This due was unquestionably much more burdensome in its incidence than the *cens*. It varied in amount according to the custom of the locality ; cases are to be found where it was as low as one-thirteenth of the crop ; in others it was as high as one-third.<sup>2</sup> But apart from its amount, the holder of land subjected to this right suffered from vexatious restrictions on his liberty of action ; to protect the lord's interests, the peasants were often forbidden to change their methods of culture, to sell or hypothecate their land without the former's consent. Renauldon, an eighteenth century writer on feudal law, states that " the possessor of land which is subject to *terrage* is not only unable to sell it without the lord's consent, but cannot even pledge or hypothecate it. There are many customs [local feudal codes] which permit the lord to enter into possession of the property when it has been uncultivated for three years and a month. There are others which forbid the changing of the crop on land subject to *terrage* without the lord's consent." <sup>3</sup> The very nature of the charge tended directly towards bad cultivation, since the harder the peasant worked and the more he produced, the larger was the share of his harvest claimed by the lord. It was a general rule, also, that the cultivator could not reap his crops till the lord's agents had levied the *champart* on the fields ; the carelessness or spite of the latter might result in the ruin of the whole harvest through bad weather. The injurious results of this right are well described in a petition of the inhabitants of Saint-Maurice-sur-Fessard, in the Orléanais. " The levying of this

<sup>1</sup> Laurent, p. 498.

<sup>2</sup> Sée, *Classes rurales*, p. 86.

<sup>3</sup> Renauldon, *Traité historique et pratique des droits seigneuriaux*, 1765, p. 179.



## 14 THE FALL OF FEUDALISM IN FRANCE

charge," they write, "is burdensome, since it compels the vassal to deliver the product to the *seigneur*; he must even carry it to him before removing what remains in his fields, and he cannot do so till the lord or his agent has come to count it on the spot. But the person charged with the collection of this due has often to oversee five or six parishes, or even more, and he cannot be everywhere at once; the waiting peasant dare not remove his own grain, because he runs the risk of having as many suits brought against him as there are parcels of land subject to this right. A heavy rain falls, the grain germinates, the straw rots; this misfortune happens only too frequently and totally discourages the cultivator, so that he takes but little account of land which owes *champart*. He neglects to enrich it, obtains scarcely anything from it, and spends all his labour on soil which is exempt."<sup>1</sup>

Other regular payments exacted in several provinces were for commutations of the duty of "watch and ward," and for *sauvegarde* or military protection. Both were relics of a violent age, when vassals owed armed service to their superiors and received their aid in troubled times. Examples of such survivals were to be found in Brittany, Auvergne, Alsace, Lorraine, Hainaut, Flanders, and Artois.<sup>2</sup> In certain Breton manors a species of annual chimney-tax was levied on each tenement; the inhabitants of Guithen complained in 1789 that they paid "six bushels of wheat and a fowl per chimney," a charge equal to eighteen *livres* for a house that let at three! Under these circumstances it is not surprising that villages were deserted.<sup>3</sup>

It must be remembered that for many of these charges there was "solidarity" between the holders of seig-

<sup>1</sup> Sagnac and Caron, p. 419.

<sup>2</sup> Mège, pp. 84 and 104; also Mathieu, p. 316, and Sée, *Classes rurales*, p. 106.

<sup>3</sup> Sée, *Classes rurales*, p. 99.

neurial land, that is, the payments were collective, which meant, of course, that the solvent paid for the insolvent or dishonest. We read of communities where half the inhabitants were ruined by reason of this solidarity.<sup>1</sup> A striking picture of its consequences is given in the *cahier* of Saint-Jean-de-Béré. "Almost everywhere there is solidarity for payment of the feudal rents, and their distribution gives rise to innumerable disputes. Peter owes the sixty-fourth part of a measure of oats, the thirty-second part of a fowl, the twelfth of a *denier*, etc. The peasants are bewildered by all these fractions and are obliged to call in a minor agent of the *seigneur* to collect the rents for them; they always pay more than they ought, they complain and tear one another to pieces."<sup>2</sup>

The *corvées* or labour-rents tended, as we have seen, to disappear, but it would be quite incorrect to suppose that they were a rarity in 1789; they still survived in many parts of France, though much reduced in severity. In Auvergne, for example, a stronghold of feudalism, they were limited to twelve days of labour during the year, and this seems to have been a fairly general rule.<sup>3</sup> It is true that we hear of complaints in Champagne and Artois of peasants being obliged to work with ploughs and draught-beasts for three, and even five days a week on their lord's land; but it would seem that such servitudes were exceptional and confined to special periods of the year, such as the ploughing and harvest seasons.<sup>4</sup> A case probably more typical is that mentioned by Cardinal Mathieu in his study of pre-revolutionary Lorraine. The inhabitants of Tantonville, Quevilloncourt, and Omelmont were obliged to perform the following *corvées* during the year. They had to devote three days to ploughing, one to hay-making, another to carting the hay, and two more to reaping and carrying the oats. In addition, they had to transport two cartloads of wood

<sup>1</sup> See, *Classes rurales*, p. 91.

<sup>2</sup> *Ibid.*, p. 94.

<sup>3</sup> See and Lésort, vol. ii. p. 330.

<sup>4</sup> Kovalevsky, vol. i. p. 262.

## 16 THE FALL OF FEUDALISM IN FRANCE

from the forest to the château. The labourers owed fifteen days' work at different seasons.<sup>1</sup> There was a vast difference between such conditions and those which had existed in the Middle Ages, or those which still obtained on the great estates of East Prussia, where the peasants laboured for six days in the week on their lords' land and tilled their own wretched fields by moonlight.<sup>2</sup> Nevertheless, they were burdensome enough, as can be seen from the contemporary complaints on the subject. The *seigneurs*, say the inhabitants of Ormay (Berry), "by multiplied *corvées* get their crops reaped and carried whilst their vassals run the risk of losing their own"; they "compel poor labourers to work for nothing at the time when day-wages are highest; force those who have carts to carry quantities of timber; compel people to beat the walnut-trees and to crack and sift the nuts all the winter; to pick their grapes . . . in a word, do everything that they need."<sup>3</sup> The peasants of La Beslière complain that they are compelled to cart the materials for the construction and repair of the *seigneur's* house, farm and mill, and to carry his hay.<sup>4</sup> Sometimes lords of manors endeavoured to exact the performance of forced labour on Sundays, a proceeding which shocked the religious sentiments of the people. "A *seigneur* in the neighbourhood of Tinténiaç," says the *cahier* of that parish, "wished, a short time ago, to compel his vassals to turn hay on a Sunday; one of them replied that he wanted to go to Mass, when the *seigneur* flew into a rage, covered him with blows, knocked him down and struck out his eye."<sup>5</sup>

The *corvées* were not confined to manual labour, for the duty of collecting the dues from the peasants of a lord-

<sup>1</sup> Mathieu, p. 316.

<sup>2</sup> Cavaignac (G.), *La Formation de la Prusse contemporains*, vol. i. p. 77.

<sup>3</sup> Gandilhon, p. 277.

<sup>4</sup> Bridrey, vol. i. p. 158.

<sup>5</sup> Sée and Lésort, vol. iii. p. 187.

ship, known as the *devoir de sergentise*, may fairly be included under this head. The unfortunate inhabitant (who very probably could neither read nor write) charged with this irksome task was responsible for correct and punctual payment, with consequences that are well described in a contemporary document. "Proprietors who live a long way off, or are sick, and those who cannot read or write, are obliged to find a substitute; for that they must pay a hundred, a thousand times as much as the rent they owe. . . . In general, it may be said that the business of a collector is a rascal's trade. The dues are, for the most part, calculated in corn; they are not, however, actually paid in produce but by their equivalent in money, according to a necessarily variable tariff. The same proprietor often owes corn of several kinds and in different quantities. The calculation always bristles with fractions, and when the peasant cannot read, write, or calculate (which is almost universally the case in the country districts), the collector takes what he pleases, gives quittance as he pleases, or most often gives none at all. Happy the peasant who is not made to pay several times in the same year!"<sup>1</sup> That frauds of this kind were really practised appears from a number of individual petitions attached to the *cahier* of Saint Péran; inhabitant after inhabitant complains that he or she has paid certain charges and has received receipts for much less than the amount actually paid. Thus Laurent Bigaré, of Garel, complains of having paid the sum of 226 *livres*, 12 *sols*, and has been given a receipt for only 188 *livres*; Jan Bigaré and his sister Marie have paid certain sums and received quittances for them, but now a further demand for money has been made. Moreover, because they could not produce a title in due form a piece of land which they have enjoyed time out of mind and paid rent for, has been taken away. Magdeleine Guiomard has paid 35 *livres*, 12 *sols*, and has only been credited with

<sup>1</sup> Sagnac and Caron, pp. 398-9.

## 18 THE FALL OF FEUDALISM IN FRANCE

15 *livres*, 12 *sols*, and so on through the whole pitiful catalogue. Nearly half the complainants were unable to sign their petitions.<sup>1</sup> It should be added here that abundant evidence exists to show that the custom of paying rents in produce gave plentiful scope for fraud and speculation on the part of the *seigneurs* or their agents. A favourite device was to pass all the grain paid in through special sieves and reject any that was not of superfine quality. A still commoner practice was the use of fraudulent or worn-out measures, which were larger than the regulation pattern ; the absolute anarchy in regard to weights and measures under the old régime made this species of deceit particularly easy. Thus the peasants of Saint-Nicholas-de-Peudry, in Angoumois, complain that the farmers of the feudal rents use a bushel measure which is "very old and worn, with a great deal of rotten wood at the bottom" ; they calculate that its use increases their payments by a sixteenth.<sup>2</sup> The *seigneur* of Marthon, in the same region, was found by the municipality in 1790 to be using measures "considerably larger than they ought to be," and the document which tells us this says also that at that moment no less than eighty parishes in the province were at law with their lords over similar malpractices. The peasants of Limousis, near Carcassonne, declared in the same year that they had always paid their dues according to a local measure, but that their *seigneur*, who had only acquired the manor in 1774, insisted on using the measure of Carcassonne, which was larger by a quarter.<sup>3</sup>

The charges and services we have discussed hitherto were regular in their incidence ; those of another class which must now be described were levied at irregular intervals and were known, in consequence, as "casual" dues. They were direct survivals from the epoch when

<sup>1</sup> Sée and Lésort, vol. iii. p. 433 et seq.

<sup>2</sup> Boissonade, p. 281.

<sup>3</sup> Sagnac and Caron, pp. 202 and 408.

the workers on the soil were the lord's "men," and held their land only at his will and pleasure. Let us consider these in the order in which they affected the average peasant during his lifetime.

The peasant's first duty on entering into possession of his holding, whether by purchase or inheritance, was to render an *aveu* to his feudal superior, that is, to make a formal act of acknowledgment that he owed payment of the dues and services with which the land was charged.<sup>1</sup> This acknowledgment had to contain a precise and detailed statement as to the holding itself; an exact list of all the servitudes that weighed upon it, and an exhibition of the titles by which the new owner had acquired it. It was of the first importance that the statement should be correct in every particular, for if within thirty years of the entry into possession an error were discovered, the *aveu* was useless and had to be redrawn. As the drawing up of this recognition was a costly business,—M. Dupont quotes a case where it amounted to 220 *livres*, and the *cahier* of Saint-Péran mentions one where the cost was 226 *livres*, 12 *sols*,<sup>2</sup>—it was a serious matter for the peasant if his statement were thus made of no effect. Yet such was the complicated character of tenures and of dues that this frequently happened, and M. Sée mentions an instance where the same man suffered twice in this way. He rendered his *aveu* in 1767; ten years later it had to be "reformed" for the first time, and for the second in 1778.<sup>3</sup> A fresh *aveu* had to be made whenever an additional parcel of land was acquired; "men have been known to render *aveu* nine times in succession for small acquisitions of land," says the *cahier* of Issé; "there is a man in this parish who has rendered *aveu* five times in less than twenty-two years," says that of

<sup>1</sup> "One of the vassal's first duties is that of recognising his lord." Boutaric, *Traité des droits seigneuriaux*, 1758, p. 3.

<sup>2</sup> Dupont, p. 66 note; Sée and Lésort, vol. iii. p. 433.

<sup>3</sup> Sée, *Classes rurales*, p. 80.

## 20 THE FALL OF FEUDALISM IN FRANCE

Ruffigné.<sup>1</sup> It is not surprising, therefore, to read that "the poor vassals tremble at the very name of *aveux*; they are chains of feudal despotism which, so long as they are not broken, will hold the inhabitants of the country in a servitude both degrading and injurious to humanity."<sup>2</sup> Side by side with this Breton complaint we may put one from Languedoc, which tells a similar story. "The *seigneur* or his agents ruin the poor inhabitants of this community by continual vexations, and the multiplication of the recognitions which the said *seigneur* exacts from his poor vassals. . . . He has divided his manor into two, and wishes to force them to recognise two *seigneurs*, thus ruining them by unjust charges."<sup>3</sup>

At intervals of twenty or thirty years the lords usually undertook a general revision of their manor-rolls or *terriers*, which necessitated a fresh declaration from every inhabitant. These revisions—made, it is to be observed, at the cost of the peasants, not of the lords—gave rise to endless opportunities for fraud and extortion. They were usually undertaken by *commissaires à terrier*, men who made a profession of such work, and as their payment was often increased in proportion to the amount they could add to the rent-roll, they had every motive for swelling the revenues unjustly. Sometimes these posts were sold to the highest bidder, who, of course, hastened to recoup his expenditure at the cost of the vassals.<sup>4</sup> Several contemporary documents show how this was effected. "When the owner of a fief added another to it, the more onerous manor-roll became the general law; if there were a renovation, the old rights were extended and new ones created. The vassal rendered an acknowledgment blindly; if he resisted, he was ruined and could obtain no justice. . . . A *commissaire à terrier* was not content unless in the general recog-

<sup>1</sup> Sée, *Classes rurales*, p. 188; Sée and Lésort, vol. ii. p. 384.

<sup>2</sup> *Cahier* of Villepot, in Dupont, p. 65.

<sup>3</sup> Bligny-Bondurand, vol. i. p. 384.

<sup>4</sup> Vernier, vol. i. p. 506.

nition of rights he contrived to include all those of which a feudal dictionary could furnish him the names."<sup>1</sup> "A *seigneur* has recourse to a feudal lawyer in order to seize or bring under his control lands possessed in *franc-allen*.<sup>2</sup> This lawyer . . . never fails to lend himself to the lord's ambition. He draws up a form of recognition, seconded by the *seigneur's* notary, which appears to be accepted by a few proprietors who cannot write. None of the parties being present at the act, . . . *agriers*, rents, and other seignorial dues which may be convenient to the lord are included in it at discretion and according to the quality of the land."<sup>3</sup> In a petition of the parish of Champigny we read: "During a century, the manor-roll of the domain and lordship of Champigny, several times renewed, has subjected the inhabitants to the most shameful, humiliating, and arbitrary charges and *corvées*, and it seems that each *seigneur* has improved upon the cruelty of his predecessor."<sup>4</sup> Every separate article on the roll had to be paid for, so that it was a common practice when a number of persons were collectively charged with a due to make separate entries for each of them, thus increasing the fees of the scribe and the expenses of his victims.<sup>5</sup> These were bound to be heavy enough, in any case, for in many parts of the country the peasants' holdings were made up of a number of scattered strips or parcels, each of which required separate mention and separate payment. A *cahier* of the Pas-de-Calais says, for instance, that "almost all the parcels of a farm are divided, scattered, and far removed from one another; often they are found at a quarter of a league or more from the centre of habitation."<sup>6</sup> From an official document of 1792, we learn that in Burgundy a typical peasant holding of 30

<sup>1</sup> Sagnac and Caron, p. 271.

<sup>2</sup> See below, p. 56, for an explanation of this term.

<sup>3</sup> Quoted by Karéïew, p. 98 note.

<sup>4</sup> Mége, p. 78.

<sup>5</sup> *Ibid.* p. 99.

<sup>6</sup> Lorient, vol. II. p. 204.



## 22 THE FALL OF FEUDALISM IN FRANCE

*arpents* would be made up of anything between two and three hundred separate parcels, all divided by other properties.<sup>1</sup> M. Aulard mentions a village in Champagne where, owing to this cause, the holder of 50 *arpents* of land was obliged to pay 200 *livres* for his share of the renovation of the manor-roll.<sup>2</sup> The *cahier* of Paimpont declares that such a renovation, which only increased the lord's rents by 100 *livres*, cost the vassals at least 7000, and reduced several of them to beggary ;<sup>3</sup> one of the *cahiers* of the region of Auxerre calculates that, since 1786, the renewal of the *terriers* had cost more than six times the total sum of the tallage paid to the royal revenue.<sup>4</sup> That extortion on this scale should have given rise to endless legal disputes is not surprising ; the renovation which took place in the manor of Pierre-Buffière in 1783 involved the Marquise de Mirabeau in no less than sixty.<sup>5</sup>

We have spoken above of purchases of land made by the peasants. Such purchases gave occasion for the levying of a fresh charge, that of *lods et ventes*, a feudal right universal in France before the Revolution. It consisted of the payment to the lord of a proportion of the purchase price, a proportion which varied greatly in different districts. In Normandy, it was only a thirteenth, in Brittany an eighth, but it rose in parts of Lorraine and Auvergne to a third or even a half.<sup>6</sup> Local customs also varied as to who actually paid the charge ; in some districts it was the vendor, in others the purchaser, in others again it was shared between them. The injurious effect of this right on the market in land, by artificially increasing prices, is obvious, and when it was extended, as was sometimes the case, to exchanges, it was directly detrimental to agricultural progress. Where,

<sup>1</sup> Bourgin, p. 61.

<sup>2</sup> Aulard, p. 53.

<sup>3</sup> Sée, *Classes rurales*, p. 188.

<sup>4</sup> Kovalewsky, vol. i. p. 266.

<sup>5</sup> *Ibid.* vol. i. p. 279.

<sup>6</sup> Mège, p. 114 ; Sagnac and Caron, p. 64.

as in Brittany and the areas mentioned above, the holdings were usually made up of many scattered strips, the levying of the dues on exchanges prevented the desirable consolidation of holdings. "The inhabitants complain," says the *cahier* of Erbray, "of being obliged to pay the *lods et ventes* on the exchanges that they make between themselves to ameliorate the holdings by consolidation, and they demand that these dues be suppressed."<sup>1</sup>

M. Kovalewsky has urged that this right, though very vexatious to the peasants, brought little profit to the lords; but if we may generalise from the facts concerning Brittany this view is quite untenable. The "Book of receipts from *lods et ventes* concerning the lands of Saint-Brice, Saint-Etienne, Sens, Parigné, Le Solier, La Fontaine," quoted by M. Sée, shows a total income from this source, from 1764 to 1771, of nearly 20,000 *livres*. The average annual return in the lordship of Fouesnel between 1776 and 1784 was over 1100 *livres*, while in a third manor the total sum received from 1776 to 1788 was a little more than 16,000 *livres*.<sup>2</sup>

But the claims of the lord in the matter of sales and purchases did not always end there. Another widely spread right was that of *retrait* or *prélation*, by which he could refuse to acknowledge the sale and himself enter into possession of the land. In Auvergne he could, by a refinement on this custom, enforce a fresh sale to a higher bidder, and claim the difference between the two prices. Frequently this right of *retrait* was used to exact a payment supplementary to the *lods et ventes*, and as it could be enforced at any time during thirty years after the sale, it necessarily produced grave uncertainty and insecurity in possession. It was a weapon which the *seigneurs* or their agents could always brandish over the heads of recalcitrant peasants; as the *cahier* of Castillon says, it served them "as a pretext to wage a war of

<sup>1</sup> Sée and Lésort, vol. ii. p. 350.

<sup>2</sup> Kovalewsky, vol. i. p. 252. Sée, *Classes rurales*, pp. 114-5.

## 24 THE FALL OF FEUDALISM IN FRANCE

brigandage against their vassals." "The *seigneurs*," says the community of Birac (Lot-et-Garonne), "abuse [the right of *prélation*] in a manner as odious as it is unjust; it has happened in this parish within our recollection that certain persons, who had acquired lands and enjoyed them for more than twenty years, have been deprived of them by means of this right." The *cahier* of Ansouis points out another abuse. "If he [the peasant] has not taken the precaution to obtain a receipt for the *lods et ventes* from the *seigneur* himself (that of his agent being only valid as an acknowledgment of the actual sum), he may find himself despoiled of his land at the end of ten or twelve years because the lord wishes to retake it for himself or a third party."<sup>1</sup>

Land changed hands by reason of inheritance as well as sale and exchange; the fief itself passed into fresh ownership on occasion. These mutations of property gave rise to other species of dues, known as *rachat*, *acapte*, *marriage*, *quint*, and *requint*, according to locality. They amounted, as a rule, to one year's revenue from the holding (though a *cahier* of Quercy speaks of the *acapte* as fixed at double the annual rent-charge), and M. Seé is of opinion that in Brittany the *rachats* were more profitable even than the *lods* and *ventes*. In the one case for which he provides figures, the receipts from the latter between 1776 and 1788 were rather more than 16,000 *livres*, and from the former 36,500.<sup>2</sup>

In addition to these widely-spread and highly-profitable rights, other casual dues had survived from the Middle Ages which, though no longer of great importance in 1789, are still worthy of mention. Thus, it is interesting to note that in German Lorraine there survived a custom, corresponding to the old English heriot, which authorised the *seigneur* to appropriate

<sup>1</sup> Mège, pp. 73-4; Marion, *Bordeaux*; Sagnac and Caron, p. 98; Kartiew, p. 47.

<sup>2</sup> Mège, p. 120; Fourastié, p. 89; Séé, *Classes rurales*, pp. 110-3.

the second-best chattel of a deceased vassal. Even more curious is it to find the old feudal reliefs still in existence at the eve of the Revolution. These had been levied in mediæval times when the lord went on crusade, when he was a prisoner and needed ransom, when he or his eldest son was made a knight, and when his eldest daughter married. The *cahier* of Touzac in Quercy alleges that these rights were still in force there in 1789, as does that of Pleumeleuc in Brittany, and in two other provinces at least there is evidence of survival. M. Mège cites two instances of the last named case of relief arising in Auvergne in 1763 and 1777. At Arc-sur-Tille (Côte-d'Or) in 1784, M. de Saulx Tavannes was made a knight of the Holy Ghost, and immediately claimed a relief from his vassals on the strength of this decoration. They were unchivalrous enough to refuse and took the matter to law, but the Parliament decided in his favour and they were ultimately obliged to pay !<sup>1</sup>

But exactions such as these were, after all, no more than the relics of a vanished age, vexatious anachronisms which affected a comparatively small number of people. The rights included in our third category, that is, the feudal monopolies, were of a very different character. It is safe to affirm that nothing, save the royal taxes, excited more discontent among the rural population in 1789. These monopolies may be divided into three classes, the first and most important of which included the so-called *banalités*.

From very early times the lords of manors had enjoyed a monopoly of certain indispensable economic instruments ; the mill, the bakehouse, the presses for wine and oil, and the people on their domains had been compelled to use these and no others. Such monopolies still existed all over France at the beginning of the revolutionary era, and were enforced with every circumstance

<sup>1</sup> Mathieu, p. 319 ; Fourastié, p. 314 ; Sée and Lésort, vol. iii. p. 343 ; Garnier (Noël), *Arc-sur-Tille, 1789-1802*, pp. 13-4.

## 26 THE FALL OF FEUDALISM IN FRANCE

of harshness and chicanery. It had become exceptional for the *seigneurs* themselves to manage the mills and ovens; they were usually farmed out to the highest bidder, who was often not very scrupulous as to the means by which he extracted his personal profit from his compulsory customers. The bad reputation of the miller was universal in the Middle Ages, and his dishonesty and craft were as proverbial in France at the end of the eighteenth century as they were in Chaucer's England. He was allowed to claim a certain portion (usually one-sixteenth) of the corn ground as his payment, but he was seldom contented with lawful gains. "The monopoly of mills and bakehouses is a ruinous slavery," exclaim the inhabitants of Sainte-Solange; "the monopoly of mills," say those of Villeneuve l'Archevêque, "is a frightful relic of feudal barbarism, by means of which, and in the absence of competition, the proprietors or their tenants can rob with impunity those who are subject to them." "Their [the *seigneurs*'] cupidity," says the very radical *cahier* of Saint-Maugan, "has invented the secret of farming out their mills at double their value to worthless men, who take from the unhappy vassals a fourth instead of a sixteenth" of their corn; "fraud is clandestine and difficult to prove," and even if the vassal succeeded in winning a suit against the miller, "it would only result in further loss, the millers being, for the most part, without property on which an execution can be levied, and as no larceny of theirs dispenses the vassal from delivering his substance to their rapacity, he is exposed to be robbed the more when he complains" (*Cahier* of Saint-Lormel).<sup>1</sup>

Apart from these exactions, the peasants were often compelled to carry their grain for long distances to inconveniently situated mills. Those of Echemines, for instance, complain that they are bound "to use a mill

<sup>1</sup> Gandilhon, p. 466; Porée, p. 513; Sée and Lésort, vol. iii. pp. 400 and 671.

which is in the middle of a marsh two and a half leagues from our parish." The lords frequently evaded their responsibilities, and, while they asserted their rights, failed to provide proper accommodation. Though the number of vines had almost doubled in Lorraine in the thirty years before 1788, the number of winepresses had remained stationary, and there were not half as many as were needed. The inhabitants of the community of Broves each paid a due of four baskets of corn for permission to light fires in their houses although no seigneurial oven or bakehouse existed in the village. There was no mill at Le Mole ; nevertheless, the lord collected a tax called *florinage*, paid by the inhabitants to be free from the monopoly of a mill which did not exist ! At Sainte-Maxime the people had constructed ovens of their own, and paid dues to the Abbey of Thorouet for the right to use them. Nevertheless, the monks levied a second due every year, which was intended to replace the revenue they should have derived from their monopoly. The unfortunate consumers thus paid twice for the same object. There was neither mill nor oven at Cabrières d'Aigues, but the lord still demanded a twelfth of the peasant's flour and one loaf in every forty. In order to enforce his monopoly he compelled the people to carry their produce to another village at a league's distance, where he did possess both mill and bakehouse. Finally, it must be said that the monopolies were maintained with odious harshness and disregard for human rights. " Let posterity ignore if it can," says the Third Estate of Rennes in its *cahier*, " that in recent times Breton feudal tyranny, armed with judicial powers, has not blushed to break hand-mills, and to sell annually to unhappy wretches the right of grinding a measure of barley between two stones." The frequent complaints as to the prohibition of the use of hand-mills in the Breton parish *cahiers* prove that this outburst was justified. " We complain," says that of Cuguen, " of the frauds and pilferings of the

## 28 THE FALL OF FEUDALISM IN FRANCE

millers, who, not content with grinding our corn badly, levy twice, three times, or four times the charge accorded them by the customary law ; who even, though their mills are not in a condition to grind our black corn, demand 20, 30, sometimes 40 *sols* and even more, from each consumer, for the liberty of grinding their black corn in hand-mills." <sup>1</sup>

These monopolies were a profitable item in the feudal budgets. From his two mills in the parish of Briennon-sur-Armançon, the Archbishop of Sens derived a revenue of 2808 *livres* ; his ovens and presses brought in 950 more. M. Sée shows that the value of the mills rose steadily throughout the eighteenth century, particularly in the latter half. Between 1694 and 1730 the revenue from the mills at Glanettes and Hautbois rose from 330 to 550 *livres* ; the mill at Faucherais was farmed out for 500 *livres* in 1716, by 1745 the annual rent had risen to 660. That at Haye-Dix brought 100 *livres* in 1771 and 350 in 1787, and the yearly revenue from that at Pont-Dauphin rose from 450 to 800 *livres* between 1771 and 1783. <sup>2</sup>

Another class of monopolies very injurious to the peasants was the exclusive possession by their superiors of hunting and fishing rights, and of the right to keep pigeon-houses. The cultivators were forbidden to kill the game which ravaged their crops, and had no effective protection against the hunts and the swarms of pigeons which descended on the newly-sown fields. The chief, perhaps the only pleasure of the *noblesse de campagne* was the chase, and they did not hesitate to terrorise the people in order to secure its unrestricted enjoyment. The royal ordinances which forbade hunting in the cultivated fields and vineyards were universally ignored, and the privilege of sport was sometimes made the excuse for

<sup>1</sup> Porée, p. 269 ; Mathieu, p. 306 ; Mireur, pp. 78, 319, 415 ; Kovalowsky, vol. i. p. 228 ; Giffard, p. 273 ; Sée and Lésort, vol. ii. p. 623.

<sup>2</sup> Porée, p. 120 ; Sée, *Classes rurales*, pp. 135-6.

compelling the peasants to act as beaters, and even for raising a tax from them for the upkeep of packs of hunting dogs ! Solicitude for the game often led to grave restrictions upon the peasant's liberty of action. In many places he was forbidden to weed his fields or mow his hay at certain seasons lest he should disturb the partridges or destroy their eggs. "The peasant cannot clear his field of weeds or mow his meadows before the 24th June, even though his hay is perishing, and all on account of the partridge eggs," says one *cahier* ; "will it be believed that we often lose a portion of our hay so as not to disturb the partridges, which are reared for our ruin ?" exclaims another. Another result of this monopoly was that the lords strove by every means to disarm the people, thus leaving them without defence against thieves or wild beasts. That these last were sometimes a real danger will be apparent when it is remembered that in May 1785 no less than forty-two wolves were killed in the neighbourhood of Quimperlé. A royal decree of the same year permitted the offering of rewards for the destruction of these animals, which, it would seem, especially infested the Cevennes. The inhabitants of Québriac complained in 1789 that the servants of their *seigneur* had carried off their firearms while they were in church !<sup>1</sup>

The pigeons must have formed an important item in the manorial economy, especially in the case of the poorer nobles. The *cahier* of Breuvery notes that the *seigneurs* carried on a considerable commerce in pigeons, which were bought up by traders who visited the district every year. It is certain that they were often kept in enormous numbers ; M. Gandilhon mentions a proprietor of a fief in Berry who owned a *colombier* which accommodated more than two thousand birds. To add to the exasperation of the peasants, wealthy farmers and townsmen who held lands in the manors frequently (and illegally) took

<sup>1</sup> See, *Classes rurales*, pp. 152-3 ; Kartiew, p. 63 ; Bligny-Bondurand, vol. ii. p. 440 note ; Sée and Lésort, vol. iii. p. 178.



## 80 THE FALL OF FEUDALISM IN FRANCE

to themselves the right of maintaining pigeon-cotes, so that a single village might find itself the victim of several of these pests. The *cahier* of Savigny, for example, states that in that parish "there are six fiefs which each have a pigeon-house and that of the *seigneur* makes the seventh." The inhabitants estimated that the hungry birds carried off at least one-fifth of their crops.<sup>1</sup>

It would be easy to fill many pages with extracts from the *cahiers* dealing with these two grievances, but a few examples must suffice. "Shall we always see our sowings carried off, and our harvests ravaged by the pigeons whose numbers are allowed to increase to infinity? Their proprietor knows well enough how to pursue without mercy anyone who tries to drive them away by firing over them, but does he ever dream of repairing the serious damage they cause?" "A cote filled with pigeons may bring in 400 *livres* to its owner every year. . . . From the 1st June till the month of September, such a pigeon-house damages the crops of the cultivators to an extent which we estimate at 3000 *livres*." "If a peasant has the misfortune to kill a hare that eats his cabbages, a ruinous suit is brought against him, but he has no right to complain when a noble . . . hunts in his corn with thirty dogs. . . . A noble, for a word said by a peasant to a lackey who hunts in a sown field, sends or goes himself to kill the peasant's dog at his door, and if the man complain he is beaten or even thrown into prison." "That an honest cultivator should be attacked and deprived of his gun without payment; that he should incur the pain and shame of prison for daring to kill a rabbit or a pigeon, when he ought to receive compensation for the damage he has suffered, that is a cruel injustice and a murderous tyranny. We complain that the *seigneurs*, their gamekeepers and their servants, hunt with dogs across our sown fields, destroy our fairest hopes, and threaten to fire on us if we dare to protest." "The

<sup>1</sup> Laurent, p. 100; Gandilhon, pp. 29 and 342.

*seigneurs* and others who have hunting rights allow a large quantity of game to accumulate in their forests, which game ravages the country and does incalculable damage when the corn begins to ripen. We have often counted herds of twenty and thirty stags and hinds walking at broad daylight in the middle of a field of corn, choosing the best ears. If we estimate the annual damage at a sixth of the crops, we take the lowest figure.”<sup>1</sup>

In the third class of feudal monopolies must be included those rights which permitted the lords of fiefs to levy taxes of different kinds upon trade and commerce. There were, in the first place, the *péages* or tolls imposed on commodities passing along roads and over fords, ferries, and bridges. Thus, since the fifteenth century, a toll on goods passing to the town of Sens over or under the bridges across the Yonne had been levied for the profit of three *seigneurs*. Other varieties of this right were known as *pontonage*, levied at bridges, and *pulverage*, a charge upon each head of cattle passing through the lordship. The rights known as *hallage*, *minage*, *bouteillage*, *étalage*, *mesurage*, were taxes on commodities, cereals, and wine sold in fairs and markets, on the stalls from which they were sold, and on the weights and measures used by the vendors. A brief description of the feudal rights actually enforced at Villeneuve-l'Archevêque will illustrate this category of seignorial monopolies. They included a right of weights and measures on all merchandise sold; a right of *minage* on all corn sold; a right of *râclage* on all grain and peas exposed for sale in the market by the inhabitants of the town and suburb; rights of *étalage* charged upon all the merchants, whether inhabitants or not, doing business in the town; similar rights on all drapers, weavers, and butchers; and, finally, a comprehensive tax on all merchandise of whatever kind “sold in Villeneuve or its

<sup>1</sup> Gandilhon, p. 29; Bloch, vol. i. p. 712; Sée and Lésort, vol. iii. p. 401, and vol. ii. p. 624; Bridrey, vol. ii. p. 304; Etienne, p. 146.

## 82 THE FALL OF FEUDALISM IN FRANCE

suburbs." This feudal control over fairs and markets sometimes led to strange abuses. *Seigneurs* arrogated to themselves the royal right of creating them and then compelled their vassals to deal there. Thus, when in 1765 new fairs were established at Grandchamps and Malgôlerian, the inhabitants of all the parishes depending on the lordship of Largouet were ordered to take there all the commodities they had for sale.<sup>1</sup>

The injurious effects of these private taxes hardly need to be pointed out. They must inevitable have increased prices, diminished demand, and thus injured both producer and consumer. The fact that in some parts of the country ecclesiastics and nobles were exempt from them, only made them appear the more odious to the peasants and townspeople. The government made spasmodic efforts to control or abolish them, but these attempts met with no great success. Turgot, as part of his campaign for free trade in corn, procured the issue of an edict calling upon all *seigneurs* who claimed these rights of tax and toll to produce the title-deeds on which they were based, but fell from power before this reform could be carried through. His failure was one more proof of the impossibility of serious social change under the old régime.

Closely allied to the class of rights just described were those which gave the *seigneurs* a privileged position in their own economic dealings. Such were the *banvins* and *bans de vendanges*, which secured for the nobles the power to sell their wine before their vassals. The period fixed by these rights seems to have varied a good deal; in Burgundy, according to De Tocqueville, the lord had the advantage of only a single day, but elsewhere of a month or even forty days.<sup>2</sup>

Finally, to make this section complete, we must refer

<sup>1</sup> Porée, pp. 5 and 500; Sée, *Classes rurales*, part iii. chaps. viii. and ix.

<sup>2</sup> Tocqueville, p. 299.

briefly to the honorific rights still enjoyed by many of the *seigneurs*. These generally included a special bench in the church (often constructed at the expense of the plebeian parishioners), with which went the right to be the first to receive the holy water and the consecrated bread, to be incensed the first, and to take the lead at the offering. Other rights were those of announcing the fête of the patron saint and of permitting dances and games. These privileges were of no economic importance, but they caused great irritation among the deeply religious populations of the countryside, who objected to this intrusion of secular rank into the solemn rites of the Church.<sup>1</sup>

We come now to the last category of feudal privileges—the judicial powers of the *seigneurs*. Much as these had suffered from the encroachments of the royal law-courts, much as the central government had hedged about and limited them, they still remained in vigorous existence, and formed, to use the striking metaphor of M. Sée, the keystone of the feudal edifice. Into the origin of these rights, whether they resulted naturally from the powers wielded over their slaves by the owners of villas in Gallo-Roman times, or whether they represented the usurpation by private individuals of state jurisdiction, we cannot here stay to inquire. Nor need we concern ourselves with the highly technical problem of the different degrees of power possessed by the lords who administered high, low, and middle justice. The points which directly affect our inquiry are the scope and character of the feudal jurisdictions, and their relation to the economic system.

Though the feudal tribunals still took cognisance of criminal cases, and lords of fiefs still possessed their private gibbets, the encroachments of the state courts had gone further in this department than in any other. Such cases brought no revenue to the judicial officers of the

<sup>1</sup> Mathieu, pp. 299–300.

## 84 THE FALL OF FEUDALISM IN FRANCE

*seigneurs*, and were costly to themselves, since they were obliged to discharge in advance the cost of conducting prisoners before the higher courts when appeals to these had been made. They had to bear, moreover, the expenses of executions. They therefore saw their powers diminished without regret, and, it would seem, fulfilled such functions as were left them in regard to criminal justice with increasing negligence. Nevertheless, the number of causes which came before their courts was very great ; in Brittany, about nine-tenths of the total for the province.<sup>1</sup> " In the rural provinces," says M. Sée, " the seigneurial officers are, in a sense, the only persons invested with official authority ; they regulate, in sovereign fashion, questions of public health, commerce, industry, victualling, and morals ; they preside over the parish assemblies." <sup>2</sup> They dealt, in addition, with a great mass of civil business, and last, but most important from our point of view, they handled all cases of a feudal character. If a peasant refused the payment of a due, or endeavoured to evade a monopoly, or broke the regulations concerning game, it was with the judicial officers of the manor that he had to do. It was they who exacted the *aveux*, directed the *corvées*, examined contracts of sale and exchange so as to secure the proper imposition of the charge of *lods et ventes*. In a word, it was their business, and lay within their powers, to secure the efficient working of the system of agrarian feudalism.

Under the most favourable circumstances, this condition of affairs would have made grave abuses possible. Under those which in fact existed such abuses were inevitable. These petty officers of justice were very numerous, ill-paid, and often of bad character. M. Dupont mentions a Breton parish in which sixteen *seigneurs* had rights of justice, and another in which there were eight separate jurisdictions.<sup>3</sup> Many contemporary com-

<sup>1</sup> Giffard, p. 104.

<sup>2</sup> Sée, *Classes rurales*, p. 124.

<sup>3</sup> Dupont, p. 96.

plaints accuse these officers of fomenting disputes, of oppression and corruption ; they robbed the widow and the orphan, practised fraud in their financial dealings, and inserted unjustifiable charges on the manor-rolls. " It would be very desirable," says the *cahier* of Courceaux, " seriously to examine into the abuses committed in the courts of the *seigneurs*. One must live in the rural districts to form a just idea of the frauds and vexations that the officers, greedy for the substance of widows and orphans, commit there every day with impunity." <sup>1</sup> Appointed by favour of the lords and holding their positions at pleasure, these men lacked all independence where their masters' interests were concerned. M. Giffard notes that in all their correspondence with their employers they speak like servants and are so addressed.<sup>2</sup> M. Jacques Flach sums up his indictment of them by saying that " the evil, in the system of feudal justice, infinitely outweighed the good, and the abuses the services rendered," and this severe judgment is supported by contemporary comment and criticism. Here, for example, is the opinion of the inhabitants of Coligny, in Champagne. " Justice," they declare, " is badly rendered in the country districts ; the seigneurial officers have no knowledge of the laws, and whether from ignorance or cupidity, often pass iniquitous sentences. It is rare for the poor man to obtain easy access to the inferior tribunals. The *seigneurs*, so skilful and so severe in enforcing their rights against their vassals, are full of indulgence when there is a question of punishing some one at their own expense ; their judges are usually men devoted to their interests ; either from greed or respect of persons they cast out all sentiment of justice to make room for favouritism and the vilest spirit of revenge." <sup>3</sup>

We have now described in broad outline the principal features of the system of agrarian feudalism as it existed in France in 1789. They formed, it will be seen, a mass

<sup>1</sup> Porté, p. 165.

<sup>2</sup> Giffard, p. 242.

<sup>3</sup> Laurent, p. 173.

## 36 THE FALL OF FEUDALISM IN FRANCE

of proprietary rights which permitted one class to levy tribute on the labour of another, rights which were enforced in the first instance by law-courts that were private property, and in the last resort by the whole power of the state-system. Before proceeding farther, we must ask: what proportion of the product of the peasant's labour passed into the hands of the privileged class by reason of the feudal dues? It would be most desirable to have an answer to this question, but, unfortunately, none of a precise and definite character can be given. Taine wrote that the feudal dues amounted to one-seventh of the cultivator's net revenue, or slightly more than 14 per cent, but he did not give statistics or the grounds on which he based his opinion.<sup>1</sup> M. Marcel Marion, in the excellent study of economic conditions in the Bordelais to which reference has already been made, puts forward an estimate to the effect that in the area investigated by him the feudal dues amounted to 11 or 12 per cent of the peasant's income. He is careful to point out, however, that this figure is only "vague and hypothetical."

In fact, the materials for a definite answer to this question are not now available, and only a minute study of the national and local archives of France could supply them. Conditions varied infinitely from province to province, still more from parish to parish and manor to manor. It is entirely unsafe to generalise from particular instances, and this fact can easily be demonstrated by a few examples. The inhabitants of Espère (Quercy) drew up in 1789 a sort of balance-sheet for their village, the total gross income of which they valued at 26,400 *livres*. Of this the tithes carried off 2200 *livres*, the direct taxes 4197 *livres*, 10 *sols*, and the feudal dues only 961 *livres*. If we founded our opinion on an isolated case of this character we should conclude that the dues were a comparatively trivial item in the peasant's budget,

<sup>1</sup> *Ancien Régime*, vol. ii. p. 323.

less than 2 *livres* per head per annum. The case of another parish in the same province, however, shows that such a conclusion would be quite erroneous. The total income of this second parish—Catus—was 44,000 *livres*, of which the tithes took 3920, the taxes 11,930, and the feudal dues 5112. In this last figure the casual charges are not included, so it is really an understatement of the true financial position.<sup>1</sup> Nor does the case of Catus stand by itself, as the following table will show. The parishes mentioned are all in the Cotentin.<sup>2</sup>

	Direct Taxes.	Feudal Dues.
	<i>Livres.</i>	<i>Livres.</i>
Bourey . . . .	1786	1600
Bréhal . . . .	6694	3650
Colombe . . . .	9010	4500
Mesnil-Garnier . .	6266	2400
Montaigu-les-Bois .	3436	3000
Trelly . . . .	9820	5925

In certain of these cases it will be seen that the dues nearly equal the taxes ; in others, they amount to more than one-half of them. The dues paid by the parish of Ruffigné, in Brittany, actually exceeded the taxes in amount, the former being 3793 *livres* and the latter only 2365.<sup>3</sup> The inhabitants of Bourbriac, in the same province, calculated that a peasant proprietor whose total income was 300 *livres* would be obliged to expend 53 on the tithes and 140 on the feudal charges of all kinds.<sup>4</sup> M. Marcel Marion states that there were parishes in the Agenais where the dues equalled the royal tallage ; but this, it must be added, was exceptional ; as a rule, they were less than the tithe, still more so than the taxes. The *cens* of 3000 bushels of grain paid by the village of Pierre-Morains, in Champagne, amounted to more than a quarter of its average annual product of corn of all

<sup>1</sup> See the *cahiers* of these parishes in Fourastié's collection.

<sup>2</sup> See the notes to their *cahiers* in Bridrey, vol. i.

<sup>3</sup> Sée and Lésort, vol. ii. p. 382.

<sup>4</sup> Dupont, p. 42.



## 38 THE FALL OF FEUDALISM IN FRANCE

kinds. The people of Montferrat, in Dauphiné, calculated that the feudal dues cost them one-third of their annual revenue. The *cahier* of Palluaud estimates them as amounting to between a quarter and a third of the product of the land, and that of Loupiac asserts that they equal the direct taxes in value.<sup>1</sup>

It is clear, then, that we cannot safely generalise and say that a certain percentage of the peasant's income was absorbed by his feudal obligations. But it is equally clear that these were often a heavy burden, a burden which was the more resented since it was imposed in peculiarly vexatious and irritating ways ; as M. Marion says, when describing the popular attitude towards feudalism in 1789, "if it imposes lighter sacrifices than the royal fiscal system or the tithe, those that it does impose are more frequent, more disagreeable, more vexatious, and perhaps, all things considered, more unpopular."<sup>2</sup>

The foregoing discussion, inconclusive though it may seem, has given us at least some insight into the economics of agrarian feudalism. It has also served to remind us that in addition to the dues and the taxes, a third charge—the tithe—weighed upon the peasant's labour. Though radically different in origin from the dues, it formed, as M. Aulard says,<sup>3</sup> a part of the *complexum feudale* ; and as the revolutionary legislation in regard to it was intimately bound up with that on the feudal rights, we may consider them together for the purposes of this book.

"The tithe," says M. Henri Marion, "was a charge, generally paid in kind, which was levied upon cattle and the produce of the soil, for the threefold purpose of assuring the subsistence of ministers of religion, of maintaining the fabrics of churches, and of assisting the poor."<sup>4</sup> This description was theoretically as true in 1789 as in

<sup>1</sup> Marion, *Bordeaux* ; Laurent, p. 498 ; Sagnac and Caron, p. 254 ; Boissonade, p. 214 ; Fourastié, p. 220.

<sup>2</sup> Marion, *Bordeaux*.

<sup>3</sup> Aulard, p. 158.

<sup>4</sup> Marion, *Dîme ecclésiastique*, p. 11.

the days of Charlemagne ; actually, it no longer corresponded to the real facts of the situation. The tax itself was the same, but the purposes to which its product was applied had altered. To begin with, many lay persons had usurped a property in the tithes and levied them in the same manner as a feudal due, whence their name of infeudated tithes. In this case, of course, the product was applied to purely secular purposes. In addition to this process of usurpation—which still went on in the seventeenth and eighteenth centuries—the right to levy tithes had tended to become the monopoly of the higher ranks of the clergy, of the bishops and the great ecclesiastical corporations. It seems to have been exceptional for a parish priest to own all the tithes of his cure. The impoverishment of the lower clergy went so far that the central government was obliged to intervene, and by two edicts of 1768 and 1786 to raise the “ fitting portion ” of the tithes handed by the impropiator to the *curé* from a theoretical minimum of 300 *livres* to 700. And it seems clear that the second edict was never properly applied. The unfortunate lower clergy were obliged to add to their scanty incomes by charging fees for the performance of ceremonies—which aroused lively resentment in the breasts of their parishioners—and the upkeep of the churches and the assistance of the poor became, to a large extent, charged upon the general public. The great majority of the tithe-owners were, in short, in the same position as absentee landlords ; they levied tribute upon the labour of communities they never saw, and for whom they performed no visible service. The parishes saw the cream of their harvests carried away by the agents of wealthy ecclesiastics or decadent monastic bodies, while they sank into debt under the burden of maintaining the churches in repair.

The tithe was essentially a tax upon the produce of the soil, and as such it was quite exceptional for it to be paid in money. The usual procedure was for the agents

## 40 THE FALL OF FEUDALISM IN FRANCE

of the owners or of those to whom they had farmed the tithes (a common practice) to visit the fields at harvest time and carry off their lawful share of the crops. The amount of that share was not, as its name would imply, a tenth of the whole; the proportion of the harvest claimed by the tithe-owners varied infinitely from parish to parish, even from field to field. Moreover, different crops were charged at different rates; the tithe of wine, for example, was usually a smaller fraction than that of corn. In some provinces the tithe was very small; in Savoy, for instance, a fiftieth or sixtieth. Elsewhere, it was as high as a fifth or a sixth. Between these two extremes every conceivable figure was to be found, and M. Marion, after a detailed examination of the facts, decides that the average proportion for the whole country was a thirteenth.<sup>1</sup> As regards the value of the total product, an estimate of 1790 gave the figures of 123 million *livres* for the ecclesiastical, and 10 millions for the infeudated tithes. The modern calculations approximate more or less closely to this estimate; M. Marion thinks that "we may adopt the figures 100 to 110 millions, but with all the caution necessary for a valuation founded on no very secure basis."<sup>2</sup>

This charge—heavier, it should be noted, than any one of the direct taxes—was by no means the whole social cost of the tithe. In this must be included the expenses of its collection, and the waste of money and effort on the innumerable lawsuits to which it gave rise. There were so many uncertainties in regard to it, so many opportunities for disputes, that conflicts between those who received and those who paid were incessant. One fruitful source of trouble was the question as to whether newly introduced crops were or were not subject to the charge. A good example of this type of dispute is furnished by the *cahier* of Nadillac, in Quercy. The principal crop raised in the parish was maize, but its

<sup>1</sup> Marion, *Dime ecclésiastique*, p. 72.

<sup>2</sup> *Ibid.* p. 116.

introduction had been comparatively recent ; three generations before, the inhabitants alleged, it was absolutely unknown. The tithe-owner, however, demanded his share of the new crop, and the peasants, "for the sake of peace or from religious principles," acceded to this claim. The owner was willing at first to accept their voluntary offerings, but finally changed front and demanded a proportion fixed by himself ; the peasants refused, and at the time the *cahier* was drawn up a lawsuit was in progress.<sup>1</sup> The more enlightened members of the clerical order themselves recognised the injurious results of this method of raising church revenues. "The tithes, which were long the securest patrimony of the churches, are to-day a continual cause of conflict and the most embarrassed portion of their revenue. The method of levying them, their amount, the crops on which they ought to be charged, are subjects of discussion before all the tribunals."<sup>2</sup> When, in 1788, a bishop in the Assembly of Notables defined the tithe as "a voluntary offering, drawn from the piety of the faithful," the Duc de Laroche foucauld flung back the answer, "A voluntary offering which is at this moment the cause of 40,000 lawsuits!"<sup>3</sup> Round numbers such as this are never to be taken literally ; still, the anecdote bears witness to the widespread confusion and discontent caused by the tithes, discontent of which we shall see fresh evidence in a later chapter.

One final question remains before we bring this long description of agrarian feudalism to a close : was this system worsening during the generation which preceded the Revolution ? Was there, in brief, a "feudal reaction" ? The theory that there was dates from the publication of Boncerf's historic pamphlet, *Les inconvénients des droits féodaux*, in 1776. "Feudal

<sup>1</sup> Fourastié, p. 250.

<sup>2</sup> *Cahier* of the Clergy of Poitou, in Mège, p. 38.

<sup>3</sup> Madelin (L.), *La Révolution*, p. 6.

## 42 THE FALL OF FEUDALISM IN FRANCE

tyranny," he wrote, " awakes furious after a century of slumber and of silence " ; and such modern authorities as Chérest, Sagnac, Mège and Loutchisky have supported this view.<sup>1</sup> Their arguments may be briefly summarised as follows. In the last third of the eighteenth century the privileged classes generally began to enforce their rights with increasing harshness. Many of them were crippled with debts ; all felt the steady increase of prices which seems to have been a marked feature of the economic life of Western Europe at this period. Their real incomes were declining with the fall in the value of money. Spurred on by need, they exacted the last penny of their dues, demanded arrears of rents (there was no prescription for twenty-nine years), revised their manor-rolls, and obtained fresh *aveux* from their dependents, whose charges, both regular and casual, were thus heavily increased at the moment when they, too, were suffering from the rise in the cost of living.

M. Aulard has recently subjected this hypothesis to vigorous criticism. He urges that if feudalism excited more complaints in this than in the preceding period, it was because the current of ideas was setting steadily against it. The views of such writers as Turgot, Voltaire, and Boncerf had filtered slowly down to the mass of the people, whose natural dislike of the charges which weighed upon them was thus sharpened by criticism of their rationality and justice. Thus the undoubted fact that the *cahiers* abound with complaints as to exactions of arrears of rents and of the chicanery of the agents who used false measures for testing the dues paid in kind, cannot be regarded as decisive evidence. " There is no certainty," he writes, " as to the degree of aggravation of feudalism under Louis XVI, if, indeed, such aggravation took place at all." <sup>2</sup> This criticism is valuable so far as

<sup>1</sup> Cf. Chérest, vol. i. p. 49 ; Sagnac, p. 65 ; Mège, p. 77 ; Loutchisky, *Classes agricoles*, p. 101.

<sup>2</sup> Aulard, p. 69.

it goes, but cannot be held to answer our original question in the negative. Concrete facts may be brought forward on both sides of the discussion. On the one hand, there are those previously cited as to the fixity of the *cens* over very long periods; on the other, the evidence as to the remarkable increases in the revenues derived from seigneurial monopolies. Both these sets of statistics, however, refer to a single province, Brittany, and it is desirable to extend the range of our inquiry.

Now it is possible to bring together from the *cahiers* and other contemporary documents a number of instances in which lords of fiefs are seen increasing their dues or endeavouring to enforce rights for which they have no legal title. These facts, as will be seen, are drawn from a large number of different regions. Thus, in 1790, the municipalities of two Provençal villages, Peypin-d'Aigues and Saint-Martin-de-la-Brasque, when describing their feudal burdens to the National Assembly, mentioned that a particular due had been doubled in fifty years. The *cens* on a piece of land had originally been fixed at 12 *sols*; ten years later it was raised to 16, twenty years after that it was raised to 20, "and a few years since it was levied at 24 *sols*." In the same year, the inhabitants of Germeville, in Angoumois, gave very definite particulars of a case of usurpation. The principal products of the district were flax and hemp, which were worked up by the inhabitants and "furnished a very considerable branch of commerce." From time immemorial they had enjoyed the right of steeping their raw material in a sheet of water in order to separate the fibres and prepare it for manufacture. The father of the existing *seigneur* had compelled three of the inhabitants to pay him an annual due in flax and hemp of the value of 5 *livres* for the enjoyment of this right, but his son, "still more devoured by the immoderate thirst for gold, endeavoured to treble this tyrannical charge. Several of his co-*seigneurs*, shocked by the injustice of this demand, gave

## 44 THE FALL OF FEUDALISM IN FRANCE

consent to the free use of the water, but Sieur Robert Faure, who never releases his prey, summoned sixteen of the unhappy cultivators before the court at Poitiers. . . . He has used every kind of chicanery to lengthen the suit and augment the mass of charges." It had already cost more than 5000 *livres*. The inhabitants of another village near Montmédy, in Lorraine, protested that the local lord had endeavoured to levy a right of *terrage* on certain lands which formed an enclave in the manor, although a legal decision, given as long ago as 1604, had declared these properties to be free from the charge in question. The commune of Limousis, near Carcassonne, was accustomed to pay the *tasque* (a kind of *champart*) for certain lands at the rate of a twenty-second part of the crop. When the lordship changed hands in 1774, the new *seigneur* immediately renewed his manor-roll and doubled the charge. In this case it seems probable that the lord had a legal right to the increased due, but it is mentioned here as an example of that revival of dormant rights which is alleged to have been so marked a feature of the feudal reaction.<sup>1</sup>

Passing to other sources of information we note that the community of Le Mesnil-sur-Oger (Champagne) in its *cahier* declared that it had always paid a due to its lord for every butt of wine sold in the place. The amount was fixed at 5 *sols* in 1768, but in 1779 the charge was arbitrarily raised to 7 *sols*, 6 *deniers*, an increase of 50 per cent. When the *cahier* was drawn up in 1789 the resulting lawsuit was still in progress. In the *cahier* of Nuisement-sur-Coole in the same province, we read that the *seigneur* has attempted to enforce a right of *terrage* upon eleven of the inhabitants ; neither he nor his ancestors had ever levied this due before, and he has no title to show for it. There seems little doubt as to the truth of this last allegation, for when, in 1775, the tribunal of the *bailliage* of Chalons ordered Lelarge d'Eaubonne, the lord in

<sup>1</sup> Sagnac and Caron, pp. 267, 366, 370, 407.

question, to produce his title-deeds, he refused and appealed to the Parliament. The same worthy also endeavoured to obtain an increase in the rate at which the *lods et ventes* were levied. Both these matters had been before the courts for fifteen years in 1789!<sup>1</sup> M. Kovalewsky cites the case of a village near Alençon where a proprietor had been in the habit of demanding 5 *sous* from each inhabitant for every bushel of flour cooked in the seigneurial oven. He raised the charge to 7 *sous*, after which the domain changed hands, and the new proprietor immediately increased it to 9, invoking the higher cost of fuel as his excuse.<sup>2</sup> M. Karéiew, who is a strong supporter of the theory of a feudal reaction, gives some interesting facts in support of it. "Eight years before the Revolution," he says, "many properties in the *bailliage* of Nemours paid *champart* (which they had escaped up till that date) for the first time, the only reason being that the lands which surrounded them were subjected to it. In the same year and for the same reason, a *seigneur* of Touraine introduced the *terrage* at the rate of a ninth of the harvest." The same authority cites the petition of the inhabitants of the manor of Montjoye-Vaufrey, who declared that "formerly, the gardens, houses, and orchards were exempt from *mainmorte*; now, the *seigneur* lays hands on everything in the case of death without the necessary heirs. . . . Within the last ten years he has arrogated to himself the right of *retenue* on the greater part of the properties sold in this domain." "Towards the middle of the eighteenth century," continues M. Karéiew, "the farmer of seigneurial dues in the manor of La Molle imposed a special tax on cattle, and this tax, in a period of between thirty and forty years, was increased one and a half times for the lesser beasts, and twice for the greater."<sup>3</sup> Since the fifteenth century a feudal toll had

<sup>1</sup> Laurent, pp. 390, 484-5.

<sup>2</sup> Kovalewsky, vol. i. p. 224.

<sup>3</sup> Karéiew, p. 96, et seq.



## 46 THE FALL OF FEUDALISM IN FRANCE

been levied on commodities passing under or over the bridges of the Yonne to the town of Sens. In 1772 these charges began to be levied at the gates of the town also, an obviously illegal extension of the ancient privilege, and denounced as such by contemporary opinion.<sup>1</sup> In its *cahier* the Breton parish of Laillé alleged that the *fumage* or feudal chimney-tax had been imposed "in the last twenty or thirty years on many villages which had always been free from it," and MM. Sée and Lésort quote a document of 1744 which shows that this statement was not without foundation, since it describes this right as being constantly extended to an increasing number of tenements.<sup>2</sup> In view of these facts, it is difficult to dismiss the theory of the reaction as entirely without foundation, even if they be judged insufficient to establish its truth beyond dispute.

As far as the renovation of the *terriers* is concerned, there seems little doubt that the movement in this direction, which had already begun in 1750, was greatly strengthened after 1780; both MM. Mège and Loutchisky agree as to this date. Such renovations were, as we have seen, both costly and vexatious to the peasant class. Finally, it must be said that the theory of a feudal reaction does certainly fit in with the tendency towards strengthening the position of the nobility in the Church and the Army which was so apparent under Louis XVI. Perhaps the safest position to adopt in the present state of our knowledge is that of M. Marion, who, while expressing some doubt as to the general character of the alleged reaction, declares that it is impossible to deny that there is some foundation for belief in its existence. "The principal cause," he writes, "appears to us to have been the marked progress in agriculture realised during the second half of the eighteenth century; the notable rise in the price of agricultural commodities,

<sup>1</sup> Porée, p. 5.

<sup>2</sup> Sée and Lésort, vol. ii. p. 211, and note to p. 182.

especially of corn, and the general increase in the rents of farms. Many *seigneurs*, hard pressed for money, many middle-class men who had acquired estates and were quite naturally tempted to obtain as much as possible from their new possessions, wished to profit by the increase of revenue with which the general condition of the market provided them. They revived old rights that had fallen into disuse ; hunted out forgotten titles ; paid more attention to their manor-rolls, demanded acknowledgments more frequently than in the past . . . and proceeded with greater punctuality to levy the feudal rights which had been singularly neglected in the course of the eighteenth century.”<sup>1</sup>

One effect of this increase in prices and of progress in the technique of agriculture is worth particular notice, since it affords an interesting comparison with contemporary events in England. There, the movement towards the enclosure of open fields and common lands was the direct outcome of these two causes, and its disastrous consequences for the labourers and small farmers have been admirably described by Mr. and Mrs. Hammond.<sup>2</sup> In France, also, such a movement arose, to be checked abruptly by the Revolution. Throughout the country there were to be found woods, pastures, and waste lands over which the peasants had customary rights. For the rural population these were of capital importance, not only because they supplemented the products of their holdings, but because they made the cultivation of the latter possible. “The possession of pastures,” says Mr. R. H. Tawney in his book on the English peasantry of the sixteenth century, “was not only a source of subsidiary income, but also quite indispensable to the maintenance of the arable holding. . . . It is a mistake to think of the engrossing of commons . . . as affecting the peasant only in so far as he was a shepherd or a

<sup>1</sup> Marion, *Bordeaux*.

<sup>2</sup> See their *Village Labourer*, also *Levy, Large and Small Holdings*.

## 48 THE FALL OF FEUDALISM IN FRANCE

grazier. On the contrary, it struck a blow at an indispensable adjunct of his arable holding, an adjunct without which the ploughland itself was unprofitable; for to work the ploughland one must have the wherewithal to feed the plough beasts."<sup>1</sup> The same considerations held good in France two centuries later; their common rights were vitally necessary to the peasants. They held them on various grounds, which gave very different degrees of security. Sometimes it was by express title or charter, sometimes in actual property; sometimes they had only a right of usage sanctioned by long-standing custom. Throughout the eighteenth century these rights were attacked by the *seigneurs* with increasing vehemence. A royal edict of 1669 had facilitated the putting into operation of *triages* or partitions of the woods and commons by which lords of manors received full rights of property over a portion of the whole. But this procedure was hedged about by too many restrictions, and was not sufficiently profitable to the *seigneurs*; accordingly, in Brittany at any rate, they preferred to use a method of partition known as *cantonement*, by which they received two-thirds instead of one-third of the land or woods divided. The jurisprudence of the Parliaments—those strongholds of privilege—went even farther, and in Brittany declared rights founded on "prescription and long usage" to be of no effect; where no express title existed the lords were at liberty to enclose the commons. Many *seigneurs* adopted the expedient of leasing out the common land to farmers, mostly middle-class persons, who could afford heavy rents and the expenses of putting the land into cultivation. Even legal titles and charters sometimes failed to protect the peasants. A parish in the neighbourhood of Alençon enjoyed chartered rights of pasture over 400 *arpents* of land. Nevertheless, the agents of the Duc de Provence (the future Louis XVIII) leased this land to two or three

<sup>1</sup> Tawney, *The Agrarian Problem in the Sixteenth Century*, p. 240.

individuals, and thus, by a stroke of the pen, deprived the inhabitants of a valuable property.<sup>1</sup> All over the country we find this movement in progress, as the *cahiers* and other contemporary documents show.

"The *seigneurs*," says the Third Estate of Bar-sur-Seine, "have seized the communal lands of their parishes, and by means of their personal influence and of the fear they inspire, have stifled the complaints of the proprietors and overborne their opposition."<sup>2</sup> The *cahier* of La Ferrière-Bochard describes very well the importance of the commons for the peasants, and the damage that resulted from their loss. "The use of the commons," it says, "is an important matter for the inhabitants of the rural districts; there is scarcely a parish which does not possess them. For some they serve as pastures for the draught beasts; for others, as a means of feeding a few cattle from which they derive their subsistence and that of their families. But it occurs that proprietors of fiefs take to themselves the right of seizing these commons; they thus deprive the neediest class of its sole resource. Very often, also, they plant hedges on them, and these hedges harbour an infinity of vermin which devastates properties."<sup>3</sup> That these complaints were not merely theoretical is shown by the case of the parish of Ponthole. In 1742 it possessed 6000 sheep; by 1764 this number had been reduced to 300; in the interval it had been deprived of its common pastures.<sup>4</sup> At Auxey-le-Grand, in Burgundy, the *seigneur* enclosed a considerable extent of pasture over which the inhabitants had long enjoyed a right of usage, and at the same time engrossed the grazing ground which belonged to the parish. He also closed several rights of way by which the peasants had reached their fields, "so that they are obliged to carry

<sup>1</sup> Kovalewsky, vol. i. p. 133. See also, Sée, *Classes rurales*, pt. iii. chap. xv.

<sup>2</sup> Kovalewsky, vol. i. p. 133.

<sup>3</sup> Duval, p. 157.

<sup>4</sup> Kartiew, p. 622.

## 50 THE FALL OF FEUDALISM IN FRANCE

their crops in their arms round these walls and to go altogether a quarter of a league farther than they were wont." Loyette, another Burgundian parish, had for centuries had the use of certain lands for pastures, in return for which it paid an annual rent in grain. The *seigneur*, some years before the Revolution, suddenly thought fit to lease out this land to three individuals, thus depriving the rest of the inhabitants of their rights. When they contested the matter, the Parliament of Dijon decided against them, so that they found themselves saddled with the costs of the proceedings, "which were so heavy that they are all plunged into the deepest poverty."<sup>1</sup> At Montjoye-Vaufrey the greed of the lord "leads him to appropriate all the communal forests, which he sells for his own profit."<sup>2</sup>

The case of Maumusson, in Brittany, is interesting enough to be worth describing in some detail. In 1696 the inhabitants concluded a transaction with the lord of the manor by which they acquired the right to use certain waste lands and woods in the parish in return for an annual payment of 32 *livres*, 10 *sols*. The *seigneur* reserved to himself the right of *trriage*, which, if put into force, would give him another large portion of common land. This right, however, was not exercised, and the rent was regularly paid until 1768, when the then lord threatened to make use of it for the purpose of letting out his portion, unless the vassals renounced their claims under the agreement of 1696. The inhabitants, as a whole, were hostile, but "four rich *bourgeois*, proprietors of some pieces of land in the parish, agents of the *seigneur*, and guided by their own interests," called a parish meeting to agree to the lord's demands; 150 persons were present, but only nine of them were willing to sign a declaration in support of this proposal. Nevertheless, the lord entered into a fresh transaction with this handful of people by which it was agreed "that the parishioners

<sup>1</sup> Sagnac and Caron, pp. 567 and 585.

<sup>2</sup> Kartiew, p. 83.

of Maumusson cede to their *seigneur* all the woods situated on the common, and that after he shall have exploited them for his own profit, he will lease the said common to the inhabitants in lots proportionate to their property."

This agreement was put into force ; the woods, worth more than 40,000 *livres*, were cut down and a leasing-out of the common land took place. But this was not arranged in the manner specified. The people had been led to believe that in addition to the land they had always enjoyed the *seigneur* would include the portion which fell to him under the right of *triage*. Not only did he fail to do this, but instead of partitioning the land equitably he accorded it to the wealthiest inhabitants, the "four rich *bourgeois*" naturally receiving the lion's share. The rest of the inhabitants carried the matter before the courts, but the suit was so long drawn out and the expenses so heavy, that they were finally compelled to abandon it. What followed is best described in their own words. "Of all those who dared to claim their rights, not one has escaped the *seigneur's* vengeance ; some have been ruined and live in the most frightful misery ; others have died of the hardships they endured in captivity, and others again have lost their reason through their sufferings and the spectacle of their relatives in prison."<sup>1</sup>

The resistance of the peasants was nearly as universal as the usurpations. Usually they carried their grievances before the courts, very often with ruinous results to themselves, as we have just seen ; sometimes they despaired of justice and resorted to more violent expedients. They broke down the enclosures and reaped the crops of the new tenants ; in one case we hear of the engrosser's farmhouse being burnt.<sup>2</sup>

It is clear, then, whether or not we employ the rather

<sup>1</sup> Sagnac and Caron, pp. 578-80.

<sup>2</sup> *Sée, Classes rurales*, pp. 231-3.

## **52 THE FALL OF FEUDALISM IN FRANCE**

vague term of "feudal reaction," that both economic and psychic forces were at work in the latter part of the eighteenth century to produce an increasing resentment against the whole system of agrarian feudalism. The purpose of this chapter has been to make the causes of that resentment comprehensible; those that follow will be concerned with its consequences.

## CHAPTER II

### THE PEASANTS AND THEIR PROGRAMME

**H**ITHERTO we have spoken of "the peasants" in a general fashion, but the point has now been reached when more precision is essential to our narrative. We must, then, describe the composition of this class, and its economic and cultural condition. By that time we shall be in a position to investigate its attitude towards the complex of institutions described in the preceding chapter.

In the first place, we must realise that it is not strictly accurate to write of the peasants as of an entirely homogeneous class. Within this section of the French population in 1789 were included several distinct social groups which differed from one another in various ways, but had a point of contact inasmuch as they were all more or less directly concerned with agriculture. What M. Georges Bussière has written of Périgord may be taken as applying with general accuracy to the whole of rural France at this period. "The term 'peasant,'" he remarks, "embraces the lesser folk who live in contact with the soil. Only the large towns and cities have a section of inhabitants which takes no part in labour on the land. The village blacksmith and shoemaker, who also cultivate their small holdings, are peasants, and this class of artisan-cultivators or cultivator-artisans, is very numerous. The manufacturer, whether he be miller, weaver, or innkeeper; the dealer in cattle or agricultural products, whether his commerce be large or small,



## 54 THE FALL OF FEUDALISM IN FRANCE

remains more or less a son of the soil. The small proprietor, engaged in the exploitation of his own domain, is a peasant, is, indeed, the typical peasant. The *métayer*, who farms the land of a large landowner and receives a portion of the crop in return, is also a peasant. . . . The labourer and the farm hand, rare enough in Périgord, are peasants. . . . Generally speaking, the peasant is the man who labours on the soil.”<sup>1</sup>

The different groups were to be found in all parts of rural France, though the numbers and relative importance of each group varied, of course, from region to region. Professor Loutchisky has shown, for example, that the class of artisans included over 21 per cent of the population of 75 villages near Laon, nearly 13 per cent in 146 villages about Toulouse, and not quite 16 per cent in 112 villages of the district of Chatillon.<sup>2</sup> In some provinces, as is still the case to-day, tenant-farmers were more numerous than small proprietors; in others, the holdings were large, and the class of labourers working for wages—the *journaliers*—was correspondingly numerous. In certain areas, again, the combination of manufacture with agriculture, noted by M. Bussière (which went on to some degree everywhere, as is shown by the figures quoted above), was practised by a large proportion of the rural population. In the Beaujolais, for example, a considerable textile industry was carried on by the peasants of the mountainous regions, who could not have maintained themselves without this supplement to agriculture; in the Orléanais, especially in impoverished Sologne, there was much spinning of wool; and in Brittany, the association of textile manufactures with agriculture was perhaps closer than in any other province.<sup>3</sup> In all the vine-growing areas the

<sup>1</sup> Bussière, p. 238.

<sup>2</sup> Loutchisky, *Petite Propriété*, pp. 48, 49, and 51. Cf. also his *Propriété paysanne*, chap. ii.

<sup>3</sup> Vermales, p. 20; Bloch, vol. i. p. 45; Sée, *Classes rurales*, p. 446 et seq.

coopers formed an important section of the village population, while in forest regions the woodmen and charcoal-burners were numerous also. All these classes felt, directly or indirectly, the pressure of the tithes and feudal dues, and tended to form a compact mass for purposes of defence or aggression against the privileged classes.

Having discussed the composition of the peasant class, we turn now to its economic position. What proportion of French soil was in its hands? To this question, as to so many others that have been raised in the course of our inquiry, no very precise answer can be given. In the middle of the nineteenth century, De Tocqueville and Boiteau opened a debate on this problem which has not yet ended, the one affirming with Necker that before 1789 the number of small peasant properties was immense, the other quoting with approval Target's statement that "nineteen-twentieths of the population possessed no property."<sup>1</sup> Much of the subsequent discussion has been vitiated by the obvious desire of some writers to glorify the work of the Revolution, and of others to defend the old régime; much of it, too, has clearly turned upon a point of terminology. Those who, like MM. Champion and Kovalewsky, criticise De Tocqueville's view, obviously attach a special and legal sense to the word "property"; they think of it as involving absolute and unencumbered possession. But this, surely, is a very restricted conception. An estate which is charged with an annuity is certainly not the property of the annuitant. When we read of the peasant bequeathing, selling, exchanging his land, it is difficult to deny that he had a property in it.<sup>2</sup> In their *cahiers* and other contemporary documents the peasants frequently speak of

<sup>1</sup> Tocqueville, p. 33; Boiteau, p. 49.

<sup>2</sup> Karéïew, note to p. 44, quotes an eighteenth century jurist as remarking in this connexion that "a burdened property does not cease to be a property."

## 56 THE FALL OF FEUDALISM IN FRANCE

themselves as "proprietors," while the tax-rolls of the period clearly distinguish between the farmer, holding his land by lease, and the peasant-proprietor. Nevertheless, it is important to remark, with M. Sée, that the peasant's right of property was not absolute and "autonomous."<sup>1</sup> As we have seen in the preceding chapter, the peasant's freedom of action in regard to his land was often seriously restricted, and he was obliged to share its produce with a social superior. Agrarian feudalism, as it existed in the eighteenth century, may be fairly described as a system of dual ownership; neither party had complete and sovereign rights over the land. Still, it must be insisted that the actual cultivator had a real and legal right of property in it, and, bearing this in mind, we may pass to the more important question of the distribution of land between the different social classes in 1789.

With one class of proprietors we need not greatly concern ourselves, namely, the small but fortunate class which held land in *franc-alleu*, that is, unburdened by any feudal servitudes or obligations. Such proprietors existed in 1789, scattered over many parts of French territory, but it seems clear that they were comparatively few in number; "allodial property," says M. Karéïew, "was exceptional."<sup>2</sup> This was the case even in districts where the local law presumed the absence of feudal rights over land. Dauphiné, for instance, was a province where the "written law" held sway, and where, according to legal theory, the land of non-noble persons could not be subjected to any feudal bond. "In fact," says M. Conard, "the number of peasants who were full proprietors of their lands, that is to say, who paid no other charges than the tithe and the royal taxes, was small," and he goes on to point out that in the whole of the election of Vienne the inhabitants of only three communities out of a total of 193, profited by this presumption of freedom

<sup>1</sup> Sée, *Classes rurales*, p. 77.

<sup>2</sup> Karéïew, p. 33.

of property. In all the rest, the peasants were wholly or in part subjected to the payment of feudal dues.<sup>1</sup> In view of these facts, we need not stay to debate the difficult and obscure question of the number of allodial properties that existed at the beginning of the Revolution, but can pass to more important matters.

"The majority of the peasants are proprietors," writes M. Sée,<sup>2</sup> thus supporting the view of De Tocqueville mentioned above, and most of the detailed studies of this question which have been conducted in recent years point to the same conclusion. The late M. Gimel, a pioneer in this department of research, asserted that the number of small proprietors in 1789 was about four millions; Professor Loutchisky of Kiev, although he indicates various defects in Gimel's methods of calculation, concludes that the latter's estimate was too low rather than too high, and that the peasants were by far the most numerous class in a total of five million proprietors of land.<sup>3</sup> These are but estimates, it is true, and only a most laborious series of researches in the local archives of France could finally settle this controversy. But such evidence as is available appears to support the general correctness of the view of De Tocqueville and his successors. M. Marcel Marion, for example, concludes that the number of small proprietors in the generality of Bordeaux was very great, and speaks of "the general diffusion of landed property among the humbler classes of the community."<sup>4</sup> The extracts from contemporary official documents given by M. Bridrey in his edition of the *Cahiers de doléances* for the district of the Cotentin show that in eighty parishes of that region there were 10,320 non-noble proprietors, and the average amount of tax paid by each proves that they

<sup>1</sup> Conard, pp. 9-10.

<sup>2</sup> Sée, *Classes rurales*, p. 66.

<sup>3</sup> Loutchisky, *Petite propriété*, p. 79.

<sup>4</sup> Marion, *Bordeaux*.

## 58 THE FALL OF FEUDALISM IN FRANCE.

were small proprietors.<sup>1</sup> Without pinning our faith, then, to a particular figure, we may accept the opinion originally expressed by Necker, namely, that the number of peasant owners before the Revolution was, relatively speaking, "immense." But the case of the Cotentin parishes raises a question of a different order. Alongside the 10,320 small proprietors we find 1290 tenant-farmers, and the amount of tax paid by this second class shows that, on an average, each individual member of it held nearly three times as much land as the members of the first. It is important, then, that we should bring together such information as exists to show the distribution of landed property between the different social groups.

From the statistics as to ownership compiled by Professor Loutchisky we can construct the following table : <sup>2</sup>

Province or District.	Percentage of Land held by		
	Nobles.	Clergy.	Peasants.
Artois . . . .	29'0	22'0	33'0
Picardy . . . .	33'4	14'6	36'7
Burgundy . . . .	35'1	11'6	33'1
Limousin . . . .	15'3	2'4	59'2
Haute-Auvergne . . . .	11'0	2'1	50'0
Quercy . . . .	15'5	2'0	54'0
Dauphiné . . . .	12'0	2'0	40'8
Les Landes . . . .	22'3	1'7	52'0
Béarn . . . .	20'0	1'1	60'0
Toulousain . . . .	28'7	4'0	35'0

These figures relate, for the most part, as will be seen, to the South and the Centre, parts of the country where Arthur Young noted the predominance of peasant proprietors ; <sup>3</sup> they tell us little of the North and nothing of the West. Now, these are the areas where there is

<sup>1</sup> I have based this calculation on the date given in M. Bridrey's second volume.

<sup>2</sup> Loutchisky, *Classes agricoles*, pp. 42-3.

<sup>3</sup> See under dates 12 June and 12 August 1787 for Quercy and Béarn.

reason to suppose that the amount of land owned by the peasants was smallest; Loutchisky believes that in Normandy, Poitou, and Brittany it amounted to no more than 20 per cent. The figures given above for the Cotentin support this opinion as regards Normandy,<sup>1</sup> while the researches of M. Sée confirm it for Brittany. "The declarations of the twentieths and the seignorial documents seem to prove," he remarks, "that in Brittany, as in the rest of France, the majority of the peasants are proprietors. In the thirty-eight parishes which I have studied, we find 7686 peasant-owners as compared with 233 noble and 633 *bourgeois* proprietors; that is to say, that of a hundred landowners there would be three nobles, eight *bourgeois*, and eighty-nine peasants."<sup>2</sup> But he goes on to point out that the holdings of the peasants were generally small; "in the case of about half the peasant-proprietors (46 per cent) the portion owned by each is reduced to one or two *hectares* [the hectare = 2.47 acres] of land, and there are some whose property consists of a small house, with a garden, a parcel of cultivable land, or a piece of heath attached. . . . One may affirm that in Upper Brittany the peasant's property is of quite restricted dimensions, much more so, it would seem, than in most other regions of France." In Lower Brittany, conditions were still worse; most of the cultivators held their land by a peculiarly objectionable form of leasehold known as *domaine congéable*. The number of owners, and the amount held by each, were notably smaller than in the upper part of the province.<sup>3</sup>

The reasons, whether historical or geographical, for these marked differences in the distribution of ownership cannot detain us here; we must pass on to consider other points of more immediate importance. For in-

<sup>1</sup> Loutchisky further states that 80 per cent of the agricultural class in Lower Normandy and Perche owned no land. See *Classes agricoles*, p. 18.

<sup>2</sup> Sée, *Classes rurales*, p. 66.

<sup>3</sup> *Ibid.*, p. 68.

## 60 THE FALL OF FEUDALISM IN FRANCE

stance, was the grip of the peasant on the land strengthening or weakening at the beginning of the Revolution? Even if we take into full account what has been said as to the "feudal reaction" in the previous chapter, the evidence is of a character to permit us to believe that the former process was taking place. For the province of Artois, Professor Loutchisky has established that in the two centuries between 1569 and 1769, the peasants in the neighbourhood of Arras had increased their holdings by 30 per cent, and by 34 per cent in that of Saint-Omer. In the generality of Soissons, they had acquired four times as much land as they had sold in the years between 1750 and 1785. The same phenomenon can be observed in the Centre and the South. In the Limousin, between the years 1779 and 1791, the peasants sold 700 *arpents* of land, but they also bought 4700. Around Toulouse, in the same period, both the nobles and the *bourgeoisie* sold more land than they bought; clearly it must have been the peasants who acquired the difference. In Touraine, between 1765 and 1789, the number of proprietors increased by 475; in thirteen parishes of Berry, between 1761 and 1776, the increase was 162; and in twenty-four parishes of Auvergne it amounted to 237 from 1750 to 1780.<sup>1</sup> By incredible economies, made at a cost in human suffering of which it is not good to think, the peasants had gradually, and piecemeal, increased their holdings. The growth in brilliance and luxury of the royal court, though it injured the peasants by increasing taxation, helped them indirectly by impoverishing the *noblesse*. The Abbé Bernier, in his interesting study of the Norman peasants, recounts a family history which shows us an example of this slow and painful upward climb in the economic scale. In 1688, one Pierre B. leased 78 *arpents* of land; in 1766, his descendant, Guillaume B., made the first purchase of

<sup>1</sup> Loutchisky, *Classes agricoles*, pp. 19-23; cf. also *Propriété paysanne*.

## THE PEASANTS AND THEIR PROGRAMME 61

land in his family's record, the vendor, it is interesting to note, being a noble who was imprisoned for debt in Paris. In 1789, when the States-General met, Guillaume's son was a man of substance, and the proud possessor of 247 *arpents*. In just over a century the evolution had been completed. The B.'s must have been a family exceptionally favoured by fortune, but what they achieved on a comparatively large scale, thousands of others unquestionably did on a small one.<sup>1</sup>

This process, by which the lands of the noble class were gradually being transferred to the rural Third Estate, had been going on for centuries (M. Hanotaux describes it as already far advanced at the beginning of the seventeenth),<sup>2</sup> and would unquestionably have developed both in rapidity and extent had it not been for the barriers erected against its progress by feudalism and the fiscal system of the state. The *retraites* and the *lods et ventes* restricted purchases by rendering possession uncertain and forcing up the price of land; the government, perpetually in need of revenues, levied registration taxes upon legal deeds which inevitably produced the same effects. So far did this suicidal policy go that in 1771 the use of parchment for deeds of sale was made compulsory by royal edict, however small might be the sum involved!<sup>3</sup> But even this piece of extravagance did not end the matter. The plebeian holder of "noble" land was subjected to a special tax known as *franc-fief*, which was levied every twenty years and at each change of ownership. It amounted, in general, to a year's revenue, but in Picardy (into which province this tax had been introduced as lately as 1751) a supplementary charge of 50 per cent was added.<sup>4</sup> *Franc-fief* undoubtedly had its origin in the desire of the Crown to retain the soil

<sup>1</sup> Bernier, p. 303.

<sup>2</sup> Hanotaux, as previously cited, pp. 408-9.

<sup>3</sup> Sée, *Classes rurales*, p. 337.

<sup>4</sup> *Ibid.* p. 340; Kovalevsky, vol. i. p. 94.



## 62 THE FALL OF FEUDALISM IN FRANCE

in the hands of the class from which military service was due, that is, of the nobility.<sup>1</sup> When the rise of professional armies had deprived the tax of its reason of being, it was retained to meet the demands of that true daughter of the horse-leech—the royal treasury. Its effects in artificially restricting the sale of land are obvious, and were clearly recognised at the time. The nobles of Amiens pointed out in 1789 that it was “prejudicial to the lower orders whom it burdened with an unjust tax . . . and to the nobles, whose property indirectly bore the weight of it, since the value of their land was diminished by the restrictions placed upon sales and circulation.”<sup>2</sup> “The *franc-fief*,” said the Third Estate of Aix-en-Issart, “prevents the free circulation of landed properties held by non-noble persons.”<sup>3</sup>

Nevertheless, the passage of “noble” land into non-noble hands went on, as we have seen. Many of the great *seigneurs* owned little or no land in 1789; their true property was their right to levy feudal dues. M. Loutchisky cites the case of the Duc de Noailles who, though he drew large revenues from his rights over lands in the Limousin, himself owned only some 600 *arpents*, scattered over several parishes. The revenue derived from these was not one-tenth of his total income. “And this,” continues Loutchisky, “was not a state of things peculiar to the great lordships; it was absolutely the same in the small. In the tax-roll of the parish of Estenos (in the district of Toulouse), we read that the *seigneur* depended on the Marquis de Roquépine ‘who possessed nothing but a fief.’ In the roll of the parish of Goudex we read also ‘that the *seigneur* of the place had only a lordship, feudal rights and a mill.’ In the Limousin there was scarcely a parish where *seigneurs* could not be found entirely without land and possessing nothing but their rents. There were entire parishes

<sup>1</sup> Kowalewsky, vol. i. p. 15.

<sup>2</sup> *Ibid.* vol. i. p. 16.

<sup>3</sup> Lorient, vol. ii. p. 149.

## THE PEASANTS AND THEIR PROGRAMME 66

where the noble proprietors lived on their rents without owning a scrap of land. Such was the case in the parish of Saint-Cirgues-de-Jordanc, in Auvergne. It is said in the roll of the parish of Saint-Just, also in Auvergne, that its *seigneur* 'possessed neither a château nor the least portion of land, that he had not even a residence, and lived only on his feudal dues.' We discover the same state of affairs in Dauphiné. In the parish of Croses, the lord subsisted merely on the product of his rents; at Beauregard, the *seigneur* lived on his feudal dues and the revenue from a mill. The same observation applies to Champagne; in the parish of Celles, for example, the lord levied his rents and dues and owned no other property."<sup>1</sup>

But all these facts as to the distribution and extension of peasant properties, imposing as they are, must not blind us to the sufferings of the class which held and tilled them. They were terribly real. There is a tragic monotony about the complaints of the village communities in 1789 which carries conviction to an attentive reader. "There is no being more wretched than the peasant," says one such document. "He is obliged to live upon a little bread made of millet or black corn, and even that is often lacking. Then he has nothing but a soup made of salt and water, which the dogs of the rich would certainly reject."<sup>2</sup> Harassed by the tax-gatherer, the tithe-farmer, and the agents of the *seigneur*; his crops ravaged by pigeons or ruined by the hunt, the peasant was often left in such a condition of poverty that a bad season or a deficient harvest brought him face to face with death by starvation. The *cahier* of Oger thus describes the situation of the vine-growers of Champagne. "Although he (the peasant) is a proprietor, on account of the debts almost always contracted and caused by the mishaps connected with the cultivation of vines, he really has nothing of his own, and belongs to the class of serfs

<sup>1</sup> Loutchisky, *Classes agricoles*, pp. 45-8.

<sup>2</sup> Fourastié, p. 20.

## 64 THE FALL OF FEUDALISM IN FRANCE

of the glebe. A good harvest pays for his labour, the rent with which he is charged, and nothing more ; a bad one deprives him of everything." <sup>1</sup> The inhabitants of Espère (Quercy), after a careful calculation of their total income and the charges upon it, continue in this fashion. " Such, Sire, is the deplorable situation of the people of this village, and yet candour does not allow us to deny that many parishes in the province of Quercy are even more wretched than ourselves. We have not yet seen our children browse upon grass like those of our neighbours, and our old people, happier than many of those in the district, have almost all survived the rigours of last January ; there is only one whom we have had the unhappiness to see die from want of food." <sup>2</sup> Throughout the country the land was under-cultivated, as the pages of Arthur Young sufficiently prove, a state of affairs directly due to the peasant's lack of capital, <sup>3</sup> and he lacked capital because the drain upon his produce of taxes, tithes, and dues made accumulation a task of almost insurmountable difficulty. Thus he was caught in a vicious circle : poverty produced under-cultivation and under-cultivation produced poverty. " The unhappy tenants," said the Third Estate of Forcalquier, " do not consider their land as a means of maintaining themselves and their families so much as the cause of, and pretext for, their enslavement to the taxes and vexations of every description. Thence arises the discouragement of the worker, the abandonment of his land, and the numerous emigrations which depopulate the countryside and overflow the large towns." <sup>4</sup>

If it be urged that the peasants were interested in

<sup>1</sup> Laurent, p. 490.

<sup>2</sup> Fourastié, p. 111. There is abundant evidence that the winter of 1788-9 was particularly disastrous for the peasants. This fact must be borne in mind when considering the events of the following summer.

<sup>3</sup> Cf. Loutchisky, *Classes agricoles*, p. 62.

<sup>4</sup> Kovalowsky, vol. i. p. 392.

blackening the picture of their condition, we need only turn to the pages of Arthur Young to find their description entirely confirmed by that level-headed and competent observer. "Women picking weeds into their aprons for their cows," he wrote on 10 June 1787, "another sign of poverty I observed during the whole way from Calais" (he was then in Quercy). Under the same date we find another note, equally impressive. "All the country, girls and women, are without shoes or stockings; and the ploughmen at their work have neither sabots nor feet to their stockings. This is a poverty that strikes at the root of national prosperity; a large consumption among the poor being of more consequence than among the rich. . . . It reminded me of the misery of Ireland." When we remember what the condition of the Irish peasantry was in Young's day, this last curt remark acquires a terrible significance. His account of conditions in Brittany is to the same effect. "To Montauban. The poor people seem poor indeed; the children terribly ragged, if possible worse clad than if with no clothes at all; as to shoes and stockings they are luxuries. A beautiful girl of six or seven years playing with a stick and smiling under such a bundle of rags as made my heart ache to see her. . . . One-third of what I have seen of this province seems uncultivated, and nearly all of it in misery."<sup>1</sup> Considerations of space forbid the further accumulation of testimony on this point, but it may be asserted that all modern research has tended to confirm the general accuracy of the pictures drawn by the peasants and by Young.

If from economic we turn to cultural conditions, we find the state of affairs equally unsatisfactory. The majority of the peasants were illiterate, and their own statements frequently refer to the fact. "An inhabitant of the countryside," says the *cahier* of Vasselay (Berry),

<sup>1</sup> 5 September 1788.

## 66 THE FALL OF FEUDALISM IN FRANCE

"is almost always unable to read or write"; "the peasants, for the most part, can neither read nor write," says that of Saint-Jean-de-Béré (Brittany).<sup>1</sup> It can be shown from the signatures to these documents that there was little exaggeration in such statements.<sup>2</sup> At Sarcelles, out of 161 persons who took part in drawing up the *cahier*, only 56 knew how to sign it; at Chevannes, 10 signed, 37 put a cross or mark; at Artigues, 34 signed out of 120; and at Launac, out of 83 persons present only 22 were able to write their names. Out of 939 persons who attended the electoral assemblies of 19 parishes in the *bailliage* of Bourges, only 225 were able to affix their signatures to the records of the proceedings.<sup>3</sup> In 1795, 42 inhabitants of Saint-Leger-de-Fougères (Nièvre) addressed a petition to the Convention; only 9 signatures were affixed, and the document concludes with the common formula, "The other petitioners do not know how to sign." When we learn that the petition was a protest against the establishment of primary schools as useless and expensive, the facts acquire a certain humour.<sup>4</sup> As for the signatures to the *cahiers* of 1789, they "attest," says M. Champion, "the insufficiency of primary instruction; many are so roughly formed that it is obvious that those who traced them did not know how to write."<sup>5</sup>

Poor, ignorant, oppressed, it would seem impossible that the peasants should have been capable of resistance to the social and political forces that crushed them to the earth, much less of formulating a programme for the betterment of their lot. Yet they were, after all, of

<sup>1</sup> Gandilhon, p. 479; Sée and Lésort, vol. ii. p. 335.

<sup>2</sup> Champion, p. 209 note.

<sup>3</sup> These figures are calculated from the documents printed by M. Gandilhon.

<sup>4</sup> Rambaud (A.), *Histoire de la civilisation contemporaine en France*, p. 170.

<sup>5</sup> Champion, p. 210; for similar conclusions as to [Brittany, Sée, *Classes rurales*, pp. 494-6.

the same class from which sprung the Bagaudæ of Gallo-Roman times, the Jacques, Palliers, and White Hoods of the Middle Ages ; the Va-nu-pieds, Gauthiers, and Tards-Avisés of the sixteenth century ; the Croquants and Bonnets Rouges who shook the social order in Périgord and Brittany at the end of the seventeenth ; the blood of these fierce ancestors ran in their veins, and if the time seemed (but only seemed) to have gone by for open insurrection, they could and did resist oppression by due process of law. " On the eve of '89, the sovereign Council [of Alsace] is constantly occupied in settling disputes between *seigneurs* and vassals " ; at the other extremity of the realm in Angoumois, nearly forty parishes were at law with the Marquis of Ruffec over the feudal *corvées*.<sup>1</sup> It would be easy to fill pages of this book with the peasants' accounts of the suits they had waged with *seigneurs* or tithe-owners, sometimes on account of an enclosure, sometimes because of an illegally levied due ; and if the courts of that age were generally hostile, the stubbornness born of the secular struggle with unfriendly Nature still insisted on a fresh effort. The peasants, then, in spite of all, possessed the will to resist oppression ; they were capable, too, of aspirations towards better things and of formulating a programme for the abolition of the burdens that weighed upon them. It must be our next task to discover what was the nature of that programme.

We are fortunate in possessing a source of information, quite unique in its character, which is of the utmost importance for this inquiry, namely, the famous *cahiers de doléances* (statements of grievances) drawn up by the inhabitants of the rural communities in 1789. These documents have already been quoted extensively in this and the preceding chapter, but a few words of explanation as to their character and importance may be of value here.

<sup>1</sup> Vidal de la Blache, p. 70 ; Boissonade, p. 450.

## 68 THE FALL OF FEUDALISM IN FRANCE

The States-General which assembled at Versailles in May 1789 were elected by a complicated system, the full details of which it is not necessary to describe. The electoral units were the administrative divisions known as the *bailliages* and *sénéchaussées*, and in these the deputies of the Third Estate—the non-noble and non-ecclesiastical portion of the population—were chosen by a system of indirect election. Each town and rural parish elected delegates in proportion to its population (the number for the villages was two for two hundred householders), and these delegates met in a general assembly where were elected the deputies of the order who were to sit in the States-General. The qualifications demanded of the electors in the primary assemblies were that they should be of French nationality, domiciled in the district, twenty-five years of age, and have their names inscribed on the roll of tax-payers. Under the peculiar fiscal conditions of the time this amounted to little less than manhood suffrage. In some parishes, women took part in the assemblies; but this was due rather to a misunderstanding of the very complicated electoral regulations than to any theories of sex-equality. These feminine electors seem generally to have been widows, and as such would, of course, have paid taxes in their own names.<sup>1</sup>

In addition to the election of delegates, the primary assemblies were charged with another important duty, that of drawing up a statement of grievances and proposals for reform. These were intended to guide the delegates in their task of compiling a general *cahier* for the whole *bailliage*, which would, in turn, serve as a programme and instructions for the deputies who would sit and vote at Versailles. Thousands of these *cahiers* have now been printed and made available for study; they form our most precious source of information as to the material

<sup>1</sup> At Berry-Marmagne, six women, all widows, took part in the electoral assembly. See Gandilhon, p. xiv of Introduction.

condition and social aspirations of the French people on the eve of the Revolution.

These documents naturally vary greatly in interest and character. Sometimes they contain only a few brief clauses ; sometimes they are fair-sized pamphlets which discuss every aspect of political and economic life ; sometimes the authors expressly state that they are unequal to the task of suggesting reforms, and are content to leave that to other and more enlightened persons. They give only a description of their melancholy condition, often expressed in really moving terms, and occasionally illustrated by a sort of balance-sheet of the parish as a whole. These last, artless as they usually are, are by no means the least useful from the student's point of view. Much has been said as to the monotonous character of the *cahiers*, and certainly the first reading of them does produce such an impression. The oppressions under which the French people suffered, the crushing taxes, the cruel administrative system, had much the same consequences in all parts of the country and inevitably produced a similarity in complaint. But the careful observer will soon perceive how the *cahiers* of areas differ, and how each *bailliage* takes on an individual character due to varying economic and social conditions.

One last question remains before we turn to an examination of the documents themselves, but that is of such importance that some discussion of it, however inadequate, is essential. Did the *cahiers* really represent the opinions of the peasants themselves ? Were the views expressed in them the echoes of other men's opinions, or were they genuine products of the experience of those who tilled the soil ?

A good deal of misunderstanding of this matter has been caused by the study of only one portion of these sources, and that, in some respects, the least valuable. Too little attention has been paid to the statements of



## 70 THE FALL OF FEUDALISM IN FRANCE

the villages, and too much to the final *cahiers* of the *bailliages*. The latter were drawn up in towns and in assemblies where the education and experience of affairs of the urban representatives gave them an influence out of proportion to their numbers. There is ground for hesitation in accepting documents drawn up under such conditions as genuinely representative of the peasants' point of view. But even when we turn to the first class of documents, there seems room for doubt. We have noted the educational level reached by the peasants, and it is impossible to believe that they could have been the authors of many of the statements incorporated in these presentations of their grievances. The inhabitants of Balaze, for example, are made to speak of "the maxim of natural law, *qui commodon et incommodon sentire debet*"; those of Marcillé-Robert demand the abolition of the Concordat agreed upon by Francis I and Leo X, and the re-establishment of the Pragmatic of Saint Louis and Charles VII;<sup>1</sup> this Breton request is echoed by the Norman inhabitants of Bricqueville-la-Blouette, who also quote no less than eleven different laws, edicts, and ordinances! La Lande d'Airon quotes (erroneously) Necker's *Treatise on the Administration of the Finances*;<sup>2</sup> Senneçay "reminds our country of the marks of distinction conferred on the cultivator in far-off lands," such as China, where the emperor, "informed every year of the labourer who has most distinguished himself in his profession, makes him a mandarin of the eighth order," and goes on to remark that in ancient Persia, "on the eighth day of the month named *Chorremcuz*, the kings left their royal state to eat with the peasants (Montesquieu, tome iii. p. 45)." <sup>3</sup> All this suggests a degree of legal and literary knowledge that not one French peasant in ten thousand can have possessed in 1789.

<sup>1</sup> Sée and Lésort, vol. i. pp. 161 and 203.

<sup>2</sup> Bridrey, vol. i. pp. 214 and 391.

<sup>3</sup> Gandilhon, p. 352.

## THE PEASANTS AND THEIR PROGRAMME 71

It is clear, then, that the phraseology of the *cahiers* is often not that of the peasants themselves. Moreover, they are frequently copied from "models." These are sometimes the *cahier* of a neighbouring parish, sometimes printed specimens circulated throughout the district during the electoral period by interested persons. Well-known examples of this second class are *L'Instruction donnée par Mgr. le duc d'Orléans à ses représentants aux bailliages*, partly written by the Abbé Sieyès; the *Suite de l'avis des Bons Normands*, by Thouret, who played a notable part in the National Assembly; and the anonymous *Charges d'un bon citoyen de campagne*, which exercised a considerable influence in Brittany.<sup>1</sup> Some parishes contented themselves with reproducing it in their *cahiers*.

Now these facts, taken together, do suggest, at first sight, that we cannot rely upon the *cahiers* for an expression of the real views of the peasants. But this criticism permits of several answers. To begin with, those who have most carefully studied the documents in question are most convinced of their representative character. M. Edme Champion, a pioneer in this line of research, exclaims that in the *cahiers* "we hear the voices of our ancestors"!<sup>2</sup> M. Bridrey, who has devoted immense pains to the editing of the statements drawn up by the towns and parishes of the Cotentin, bears witness to their remarkable accuracy as to matters of fact. "The *cahiers* may, with the fullest confidence, be compared with the most official and most detailed sources; on the facts that they alleged the *cahiers* spoke the truth. As to the figures they produced, whether they concerned royal taxes, feudal dues, or tithes, all the surest documents . . . show us that they were exact, often to a *livre*, or a bushel of oats. . . . The picture as a whole is true, frank, and loyal. . . . Nothing, perhaps, can give

<sup>1</sup> Bloch, vol. i. p. xi; Sée and Lesort, vol. i. pp. lxxvii and lxxxiii.

<sup>2</sup> Champion, p. 24.

## 72 THE FALL OF FEUDALISM IN FRANCE

a more just idea of the economic condition of our rural parishes in March and April 1789 ; nothing can make us realise in a more striking fashion the formidable power still retained by the privileged classes than the singular and, in the end, overwhelming impression which arises from the reading, parish by parish, of the long and monotonous litany of their dues and servitudes.”<sup>1</sup> It is obvious that the *cahiers* could not have acquired this character of accuracy if the peasants had not themselves played an active part in their preparation. This point need not be laboured, nor need we multiply testimonies of this kind ; it will be more useful to discuss the question from another standpoint.

First, we may note that if the influence of the circulated models was considerable in some districts, in Brittany, for example, in others they played but an insignificant part. M. Gandilhon declares that, so far as the *bailliage* of Bourges is concerned, there is scarcely a trace of their influence.<sup>2</sup> But even where the models were freely used, we see that, as a general rule, they were not employed in any servile fashion. It is clear from a comparison of the models with parish *cahiers* that the electoral assemblies considered the former and approved their general purport, but did not hesitate to expand or amend them if they thought fit. The *cahier* of Saint-Lô, for example, is undoubtedly based on Thouret's model, but “is none the less an original production ; twice as long as the *Suite de l'avis*, it not only has expansions which are its own, but complete clauses which are not in the model. The latter, copied exactly in some places, is followed only with considerable modifications in others, which proves that it has not been blindly adhered to.”<sup>3</sup> An examination of the statements for the district of Rennes shows that the *Charges d'un bon citoyen de campagne* was used in a similar fashion ; some-

<sup>1</sup> Bridrey, vol. i. pp. 71-2.

<sup>2</sup> Gandilhon, p. xxxi.

<sup>3</sup> Champion, p. 23 note.

## THE PEASANTS AND THEIR PROGRAMME 73

times the amendments are slight, sometimes considerable, but that they exist at all is proof that the model was subjected to criticism and discussion. Clearly, then, if the peasants were willing to utilise these model *cahiers*, they did not employ them in a slavish manner, but took them simply as a foundation on which to work.

There is, moreover, abundant evidence to show that the assemblies did not submit sheepishly to dictation in the matter of their complaints and programmes. The strange syntax and spelling of many of the *cahiers* prove that they were the work of men much more accustomed to handling a hoe than a pen.<sup>1</sup> But even where the peasants confided the task of authorship to some one more instructed than themselves, such as the presiding officer, a local lawyer or doctor, or the village priest, they could and did exercise an independent judgment on the document proposed for their acceptance. The rural workers in 1789 were men who supported gross oppression with extraordinary patience, but their bent backs were perceptibly straightening, and they were not a herd of dumb cattle who would obey the order of the first comer. When, as sometimes happened, the officer who presided over the assembly was also an agent of the lord of the manor and endeavoured to force his own ideas upon the inhabitants, or tried to prevent them from giving free expression to theirs, the records show us the peasants sharply reacting against such treatment and taking steps to secure that their true views and demands were incorporated in the *cahiers*. Pierreville, in the Cotentin, provides us with a good example. There a seigneurial officer presided over the electoral assembly, and refused to admit the complaints of the people as to local matters. As some of the complaints were directed against feudal abuses, his motive can easily be understood. But the peasants held firm. "The said community," they

<sup>1</sup> "The language of the *cahiers* is another proof of their popular origin, of their sincerity and originality." Boissonade, p. 10.

## 74 THE FALL OF FEUDALISM IN FRANCE

declared, "heard the statement of complaints and grievances drawn up by the principal inhabitants in the manner they considered just and reasonable, and in accordance with the existing condition of distress. But they were neither listened to, nor acted upon, by the said bailiff; he dictated others himself, by his own authority, and permitted no discussion, however judicious and respectful to his authority it might be. . . . This is the reason the said community has again assembled in the accustomed manner and proceeded to frame a just statement of its grievances."<sup>1</sup> The inhabitants of Trévérien assembled "to complain against the *seigneurs* of our parish"; neither the seneschal nor the procurator would preside, and the meeting had to be adjourned till the following day, when the parishioners met again and complained to some purpose, as a glance at their *cahier* will show.<sup>2</sup> At Bain, the seneschal (subsequently accused of "keeping as good a table as the *seigneur* himself") presided over a small assembly, almost entirely made up of middle-class persons. The statement framed under these conditions did not meet the views of the rest of the parishioners, as it failed to give enough attention to "the things which overburden the inhabitants of the aforesaid parish of Bain"; they accordingly called a fresh meeting and drew up a second statement more to their liking.<sup>3</sup> At Bléruais, the local procurator-fiscal called the primary assembly together in the lord's château where he "endeavoured to intimidate the parish and force it to sign a *cahier de doléances* which began with these words, 'The nobles will be pleased to pay taxes like ourselves, and we shall owe them a debt of gratitude.' After having told him that it was not in the châteaux of noblemen that assemblies of the Third Estate ought to be held, and having attended at the sacristy on several occasions," the parishioners, in spite of the procurator's threats, took

<sup>1</sup> Bridrey, vol. ii. p. 456.

<sup>2</sup> Seé and Lésort, vol. iii. p. 227.

<sup>3</sup> *Ibid.* vol. ii. p. 263.

## THE PEASANTS AND THEIR PROGRAMME 75

the principal proprietor of the place as their president, and adopted, with some amendments, the very radical *cahier* of Saint-Maugan. These additions, it is worth noting, strengthened rather than moderated the fierce expressions of hatred for the nobles which are marked features of this latter document.<sup>1</sup>

The peasants, then, were not mere passive instruments in the hands of their social superiors. In Brittany, indeed, they outstripped the middle classes of the towns in the radical nature of their programme. The latter, struggling with the nobles for ascendancy, speedily discovered that if they were to obtain the support of the rural masses, they must not confine their demands to fiscal and constitutional questions, but must go forward to attack the feudal system itself. "It seems," say MM. Sée and Lésort, "that it was the peasants who first agitated the question of the feudal system, and the bourgeoisie was compelled to adopt the greater part of their demands."<sup>2</sup>

But it is time to end this over-long digression. It would not be difficult to accumulate evidence as to all the points touched upon in the preceding paragraphs, but enough has been said to demonstrate the value of the *cahiers* as a source of the first importance for this inquiry, and we can now proceed to an examination of the contents of the documents themselves, in so far as they deal with economic feudalism in 1789.

The attitude of the authors of the *cahiers* towards the agrarian system permits of brief description: it was one of frank hostility. So universal was this feeling that when we discover a solitary instance like that of Cieurac (Quercy), which defended it, we are compelled to suspect its authenticity. This was probably a case where the peasants had been cajoled or overawed. But so solitary an exception may be held to prove the rule. The *cahiers* generally adopt the view that the rights of the

<sup>1</sup> Sée and Lésort, vol. iii. p. 407.

<sup>2</sup> *Ibid.* vol. i. p. xliii.

## 76 THE FALL OF FEUDALISM IN FRANCE

privileged orders had originated in force or fraud, and were actively pernicious in their exercise. "These rights can only have originated in the days when the unhappy vassal was reduced to servitude under the hand of his lord, in the days when he dared not raise his voice and was compelled to submit to the law of the strongest"; they are "servitudes imposed by the *seigneurs* at the time that they usurped public power and the rights of royal authority; they are contrary to natural and civil liberty; they are barbarous relics of feudal anarchy and of conditions too hard for humanity." They are "so many wounds through which our life-blood drains miserably away," and "owe their origin to the usurpations of the clergy and the nobles in the troublous times when they united to enfeeble the royal power and to oppress the people." "The rights over mills and ovens, and the *corvées*, are odious. It is known that they originated in deceit and fraud, one might even say in force and violence." "Their origin dates from the times of slavery, and it would be worthy of an age of liberty to annihilate them." "Most of these rights are the fruit of the law of the strongest. The ignorance and barbarism of the early ages gave them birth."<sup>1</sup> The peasants are conscious of their true function in society, and contrast it with the treatment meted out to them. "We are the principal prop of the throne, the true support of the armies. . . . We are the source of riches for others and ourselves remain in poverty. . . . We willingly consent to live in that state of life to which Providence has called us, but . . . it is too hard and revolting to support all that is onerous in the state and to lack bread half our days."<sup>2</sup> Starting from such a standpoint many of the *cahiers* go on to demand the radical destruction of feudalism. "The

<sup>1</sup> Bridrey, vol. ii. p. 596; Sée and Lésort, vol. ii. p. 328; Sagnac, p. 77; Boissonade, p. 217; Bligny-Bondurand, vol. i. p. 330; Vernier, vol. i. p. 485.

<sup>2</sup> Marion, *Bordeaux*.

feudal system has produced nothing but slaves ; the branches of the tree have been cut down but the trunk still remains, and the axe must be employed to overthrow it entirely " ; it is necessary " to extirpate the very root of the evil. Palliatives do not befit a nation ; iron must be used to destroy abuses the moment they are known." <sup>1</sup> The inhabitants of Fontenay-Bossery enumerate a catalogue of rights, and demand that they " be suppressed as outrageous relics of servitude and feudalism " ; those of Combleux wish for " the suppression of the ruinous rights " ; " feudalism ought not to exist in a free state," cry those of Chaon. The community of Margerie " demands that the *cens*, the seigneurial *corvées*, the monopolies, and other feudal rights injurious to the liberty of persons and properties shall be abolished." <sup>2</sup> Others formulate their demands in a similar strain, some of them attacking particularly the feudal rights possessed by ecclesiastical corporations. " There still exist divers dues, called seigneurial or feudal, which ought to disappear from the sight of every French citizen who is free by right from all that savours of servitude." " Let the ecclesiastical and monastic lordships be suppressed, since they only inspire pride in those who possess them and distract them from the service of the altars ; moreover, they are repugnant to the spirit of Jesus Christ, who says that His kingdom is not of this world ; they are contrary to the vows of humility and poverty taken by the monks. . . . Abolish all feudal rights, such as *quint* and *requint*, *lods et ventes*, *cens*, *champarts*, and *banalités* ; they are heavy charges for the country people, and are so many monuments of feudal servitude, contrary to the constitution of a free nation." " It will always be futile to invite the peasants to make their grievances known if the King do not determine, with the help of the Nation, to suppress all feudalism throughout the realm. . . . The royal and

<sup>1</sup> Sagnac, p. 78.

<sup>2</sup> Porté, p. 228 ; Bloch, vol. i. pp. 40 and 372 ; Laurent, p. 431.



## 78 THE FALL OF FEUDALISM IN FRANCE

local taxes weigh less upon them than this immensity of feudal duties which surrounds them on every hand. . . . The use of *lettres de cachet* scarcely affects the peasants, but what come home to them much more nearly are the rights which weigh upon their small properties, and the daily attempts of their *seigneurs*, especially when they are great and powerful, to break these up by the establishment of some new charge. . . . The true regeneration of France will never be achieved so long as a vestige of servitude is allowed to exist. . . . An exact reform of the civil code will never be executed unless, by the extirpation of feudal slavery, the source of so many suits is dried up." "It (the parish) . . . demands the abolition of feudalism, the rights of *lods et ventes*, *censives*, *main-morte*, etc., all rights of servitude which are repugnant to the liberty of a free people. To belong to one's king and country suffices."<sup>1</sup>

But the demands of the peasants were, for the most part, less radical. Sometimes they contented themselves with asking that the *seigneurs* should prove their legal right to the dues they claimed. "As we doubt the legality of a great part of these rents, or at least of the rates at which they are fixed, we supplicate His Majesty to deign to compel the production of the titles, so that we may know the truth as to our exorbitant charges." "In case His Majesty does not consider it just to suppress them [the feudal rights], let the *seigneur* be obliged to justify his title to them at his own expense." "His Majesty shall be very humbly entreated to establish a commission before which the lords shall be obliged to produce their titles, so that the said commission, after examining them and the memorials of the inhabitants, may confirm, or extinguish the servitudes demanded." "If the king prefer not to be the sole *seigneur* in the province (which would, however, be the most profitable

<sup>1</sup> Bridrey, vol. ii. p. 196; Laurent, pp. 445-8; Bligny-Bondurand, vol. i. pp. 339-41; Vernier, vol. i. p. 636.

course for himself and his subjects), all the nobles who pretend to rights over the property of the people shall produce the primordial proofs of the establishment of these rights in good and due form. . . . All those which prove to be unfounded shall be regarded as abusive and abolished, and there shall be no justification by prescription from any date whatever, nor by immemorial possession.”<sup>1</sup> The same *cahier*, however, goes on to demand that the vassals shall be able to enfranchise themselves by purchase from the dues which have a legal foundation, and this is the point of view generally adopted in the programmes drawn up by the parish meetings. The *cahier* of Néronde, in the Bourbonnais, is exceptional in that after demanding “the suppression of the vestiges of feudalism,” it goes on to exclaim, “but no purchase; let there be restored to the nation a liberty which has been wrested from it.”<sup>2</sup> Some of the communities appear to have envisaged a scheme of purchase operated by the government, such as Turgot had planned; thus the *cahier* of Touzac says “that His Majesty shall be entreated to liberate them from the feudal dues which diminish the product of the land, by paying such an indemnity to the *seigneurs* as he shall think fit.”<sup>3</sup> For the most part, however, individual enfranchisements were evidently what the peasants had in mind, and to this end it was necessary to abolish all solidarity in the matter of charges. Thus, the *cahier* of Savignac-de-Miremont (Dordogne), described by M. Marcel Marion as the most anti-feudal in its district, begins with a reference to the *seigneurs* as “leeches,” and then proceeds, “Render the dues redeemable, destroy all solidarity, that barbarous custom which destroys the liberty that is the natural birthright of Frenchmen, and leave to the *seigneur* over his vassal only the right of forcing

<sup>1</sup> Saint-Léger and Sagnac, vol. i. p. 117; Porée, p. 228; Laurent, p. 502; Sée and Lésort, vol. iii. p. 402.

<sup>2</sup> Chassin.

<sup>3</sup> Fourastié, p. 341.

## 80 THE FALL OF FEUDALISM IN FRANCE

him to love him, to esteem him, and to respect his good qualities." A few other typical demands for redemption may be quoted. "Let feudalism be destroyed throughout Brittany; it gives too much power to the lords over their vassals; and if this eternal truth still stand that a debtor may satisfy his creditor, let the tyrannical and barbarous laws which render the *corvées*, servitudes, and charges irredeemable be abolished and replaced by a law which permits each vassal to free himself from them." "Let each individual be authorised to redeem the feudal rights . . . and let the price of the indemnity they must pay be fixed." "The deputies at the States-General will demand that all feudal rights, save the *cens*, shall be redeemable at the will of the vassals." <sup>1</sup>

Many of the *cahiers* draw distinctions between different categories of rights; of some they demand the suppression outright, of others the abolition by purchase. Thus a Norman parish calls for the abolition of "all monopolies, *corvées*, and thirteenthths, and the amortisation of feudal rents." <sup>2</sup> Amont (Vesoul) desires the extinction without indemnity of "personal" *mainmorte* throughout the realm and of "real" *mainmorte* on ecclesiastical estates; the latter, and all other feudal dues, are to be redeemed at twenty years' purchase on lay estates; Milieu (Dole) makes a similar demand.<sup>3</sup> Saponcourt puts forward an identical request as regards *mainmorte*, and goes on to demand the reformation and abolition of all *banalités*, servitudes, and charges; the abolition of the tithe, and the stoppage of payments due to the Abbey of Cherlieu on account of a lawsuit concerning woods which the peasants had lost, and the restitution to them of the sums already paid.<sup>4</sup>

A number of the *cahiers* content themselves with attacking particular rights and calling for their abolition

<sup>1</sup> Sée and Lésort, vol. ii. p. 39; Gandilhon, p. 47; Porée, p. 543.

<sup>2</sup> Bridrey, vol. iii. p. 117.

<sup>3</sup> Chassin.

<sup>4</sup> Finot, 1881.

or reformation. Their authors felt, no doubt, that it was hopeless to expect more than this limited relief. The monopolies and the hunting rights bulk most largely in the statements of this class. Sometimes the peasants simply ask that the pigeons should be shut up at seed-time and harvest, and that the hunts should be restrained from injuring the crops. "Nothing is more urgent than to discover a remedy for these abuses, and the true means, it would seem, is to suppress these hunting rights, or that at least the *seigneurs* should be forbidden to hunt elsewhere than on their own domains."<sup>1</sup> "The number of cotes and pigeon-houses is so great that the pigeons do great wrong to the cultivators. . . . May it please His Majesty, therefore, to order that the said cotes and pigeon-houses belonging to those who have no legal titles for them be pulled down and destroyed for ever; at the same time, it is desirable that those who have a right to them should be obliged to shut up their pigeons during the harvest, the season when they do the greatest damage."<sup>2</sup>

As has been said, the question of enclosures was at this time a burning one, and the *cahiers*, especially those of Brittany, give plentiful evidence of the feeling that had been aroused. "The pastures in the parish of Cesson have all been leased out by the *seigneurs*; these leases have brought the inhabitants who have no land attached to their houses to beggary; the pastures served to graze their cattle, now it is impossible for them to keep any." Plerguer points out that the inhabitants of northern Brittany "found a resource in the waste lands named commons, which furnished nourishment and grazing for the cattle. Since a wide extent of these unproductive lands has been leased out by the proprietors of the fiefs in which they are situated, the unhappy inhabitants of the neighbourhood, deprived of this resource, are also deprived of cattle and of the manure they obtained from

<sup>1</sup> Sée and Lésort, vol. iii. p. 187.

<sup>2</sup> Bridrey, vol. i. p. 232.

## 82 THE FALL OF FEUDALISM IN FRANCE

them, and are reduced in consequence to the most frightful poverty. It is indispensable, then, that these common lands should be restored to their original and natural ownership without division, that is, to the neighbouring populations to whom they belong, and that in future neither the proprietors of fiefs nor any other individuals shall dispose of them for their personal benefit." The inhabitants of Saint-Martin-du-Tertre complain that "they formerly possessed common woods which are now enjoyed by the Archbishop of Sens, and that the suits occasioned by damages in these woods ruin a number of the inhabitants every year; they demand to have the ownership of these common woods restored to them." "Let the *seigneurs* no longer dare," says the *cahier* of Dornont, near Paris, "to seize the communal lands and appropriate or sell the lots used by the community. As for the lots that they have already taken, let them be restored to their natural condition." Another demands that "the clearings, wastes, and common pastures shall not be invaded without an express and legal title, and that those enclosed during the last thirty years shall be restored." "Our territory," says that of Ville-d'Avray, "during the last ten years has become so circumscribed that our hands remain idle because of the quantity of enclosures that have been made; we demand that no one shall be permitted henceforward to enclose without the previous permission of the parish."<sup>1</sup>

Up to the present, we have found the peasants generally unanimous as to one point: whether their demands are radical or moderate, all wish to see agrarian feudalism directly attacked, but when we come to examine their attitude towards the feudal courts, this unanimity disappears. A few typical extracts will illustrate the point. Saint-Jean-de-Béré demands "the suppression of feudal justices and jurisdictions, and that there be established

<sup>1</sup> *Sée and Lésort*, vol. ii. pp. 77 and 675; *Porée*, p. 48; *Karéliew*, p. 83; *Kowalewsky*, vol. i. p. 154; *Thénard*, p. 18.

royal courts whose districts shall extend for five or six leagues at the most." "The desire of the community [of Lherm] is . . . that all the seigneurial courts shall be suppressed, and that justices of the peace, who will decide most disputes at their commencement, shall be established in each community. This article will displease the procurators and the judges, but, without doubt, it will be approved by all persons well-intentioned towards the State." Argenteuil, on the other hand, instructs its deputies to demand "that the jurisdictions be maintained in the parish . . . as they have always existed, seeing that the parish is sufficiently large and that their removal elsewhere would occasion heavy expense to the inhabitants."<sup>1</sup> This last clause gives us the true reason for the differences of opinion. The feudal courts were bad and their officers oppressive, but they were, at any rate, close at hand. Poor and unlettered men dreaded the journeys, the expenses, and delays which they believed would result from their supersession by the state tribunals. The *cahiers* are filled with complaints as to the costliness and dilatory procedure of the latter, complaints which were quite justified; and it is small wonder that many, perhaps the majority, of the peasants preferred to endure the evil that lay at their own doors rather than to go farther and fare worse. Those of Eclaires even went to the length of demanding that royal jurisdictions should be replaced by feudal. "Let the royal courts in villages and small towns," they wrote, "be converted into seigneurial jurisdictions, so that the costs of litigants may not be so heavy as in the past."<sup>2</sup>

On the subject of the tithes we find a similar absence of agreement, though there is general discontent in regard to their amount, the method of collection, and the manner of their application. A characteristic expression of opinion on this last point is to be found in a letter

<sup>1</sup> Sée and Lésort, vol. ii. p. 328; Fourastié, p. 215; Porte, p. 354.

<sup>2</sup> Laurent, p. 259.

## 84 THE FALL OF FEUDALISM IN FRANCE

addressed to Necker by one Miliard, a peasant, in December 1788. He attacked the canons of Saint Maurice at Vienne, and continued, "The poor suffer from cold and hunger, while the canons feast and think of nothing but fattening themselves like pigs that are to be killed at Easter."<sup>1</sup> The *cahiers* tell a similar story. "Another pest destructive to our revenues," says that of Bellefond, "is the tithe, so scrupulously demanded by its owners; for if the rumour, whether true or false, reach an ecclesiastic's ear that a poor wretch, driven by necessity, has retained a handful of corn or a few grapes, immediately he grumbles, thunders, preaches, menaces, probes the recesses of conscience, and imposes a penance as heavy as if the man were guilty of a great crime."<sup>2</sup> There is hearty sympathy with the poor village priests, and a general wish that they should be relieved of the necessity for charging fees by an increase of salaries, but at this point agreement ends. Most of the parishes only seek reforms, whether in the amount of the tithe or the use to which it is put. "The tithes are a heavy charge imposed upon us by religion that we willingly pay, but we should pay more willingly still if we saw them used in a manner which conformed to their institution by both divine and human law."<sup>3</sup> A few demands appear for the transformation of the tithes into a money payment, and a larger number—though a minority of the whole—demands their abolition outright. Thus Vannes solicits "the abolition of all tithes and *champarts* levied upon different objects of agriculture and enterprises in general." "We demand the suppression of the tithes and the according to Messieurs the *curés* of the realm, an honest and sufficient pension." "Suppress all the tithes as absolutely contrary to freedom of property and injurious to agriculture"; "let the rector of this parish be pensioned with the sum of a thousand *livres* . . . and

<sup>1</sup> Karéiew, p. 58.

<sup>2</sup> Marion, *Bordeaux*.

<sup>3</sup> Marion, *Dîme ecclésiastique*, p. 196.

let the tithe be suppressed and abolished." "Our final demand is that the religious communities be deprived of the tithes they levy in the provinces. . . . This is an usurpation made upon the parish priests who ought to be the sole proprietors." "It is above all for the absolute and irrevocable suppression of the tithe that the community of Bellegarde would wish to give to its demands that strength and energy which render truth and reason more persuasive. The weight of this crushing charge is the more insupportable to it since it knows the absurdity of the means by which it was established, the conditions which caused it to be accepted, the use to which its product is put, and the discouragement that it casts upon the soul of the cultivator."<sup>1</sup> It is worth noting that feeling was much stronger against the tithes in some regions than in others; this is particularly noticeable in the case of the communities of the *sénéchaussée* of Nîmes. Possibly this is to be accounted for by the existence of a strong Huguenot element in the population.

The land-hunger of the peasants found expression in many demands for the abolition of *franc-fief*, and for the sale of crown and monastic lands. The latter, being the property of corporate bodies, were withheld from the market, and the deficit in the finances on the one hand, and the general decay of monasticism on the other, provided ready justification for the demand. "The right of *franc-fief* is a humiliating tax for the Third Estate; Nature has not divided properties into noble and plebeian." "Lands differ from one another only by reason of the goodness, the mediocrity, or the badness of the soil, their culture or lack of culture. The nobility attributed to some . . . is only an ideal thing. His Majesty shall be entreated to suppress the tax of *franc-fief* . . . it has caused the ruin of a great number of

<sup>1</sup> Bloch, vol. i. p. 341; Bridrey, vol. ii. p. 106; Sée and Lésort, vol. ii. pp. 9 and 172; Vernier, vol. i. p. 507; Bligny-Bondurand, vol. i. p. 120.



## 86 THE FALL OF FEUDALISM IN FRANCE

commoners, principally the inhabitants of the rural districts." "The right of *franc-fief* ought to be abolished, because in its origin this tax was only imposed on commoners to take the place of the military service due from the fiefs they had bought from *seigneurs* who were obliged to serve in the army at their own charges. As to-day the lords and nobles are free from this ancient obligation, and, on the contrary, are paid for their services by the nation, the commoners possessing *francs-fiefs* ought to enjoy the same privileges, since the cost of the army is not charged upon the fiefs but upon the national revenue."<sup>1</sup> "The sale of the royal domains would provide the State with an annual revenue by means of the taxes on transfers that the return of these lands to commerce would engender, and through the contributions of the new proprietors to the public taxes." Other communities specifically request that the crown lands should be sold or leased in parcels small enough to enable the poorer classes of peasants to acquire them. "We demand that 150 *arpents* of land be taken from each of the royal farms, and let out in lots of four or five *arpents*, so as to help the villagers and enable them to live." "His Majesty, being the proprietor of almost the whole of the territory of Buc, is entreated to sell the land in small portions to the highest bidder, on good and solvent security, for the purpose of giving more work and wages to the inhabitants of this parish." "Let the royal domains be declared alienable, and, as such, sold, not in large portions but in lots."<sup>2</sup>

Other *cahiers*, again, denounce the leasing-out of the seigneurial domains in large farms, a practice which was obviously more profitable and less troublesome to their owners, but was held to be injurious to the peasants' interests. "Too large farms are bad for various reasons :

<sup>1</sup> Bloch, vol. i. p. 181 ; Sée and Lésort, vol. iii. p. 680 ; Boissonade, p. 458.

<sup>2</sup> Kovalewsky, vol. i. p. 92 ; Thénard, pp. 61, 171, 292.

they diminish population and augment the indigent class ; they inevitably produce a shortage of cattle and a lack of manure. For these reasons, forbid the destruction of small farms and order the break-up of those which are too large." "It is a misfortune, both for private individuals and for the State," say the inhabitants of Boitron, "that a rich man should be allowed to hold several farms ; by that means, he reduces to poverty ten or twelve households which lived well and brought up numerous families." To meet these evils, a limit should be set to the size of farms. "Permit no farmer to have the exploitation of more than 300 *mencaudées* of land, his own included," says one *cahier* ; "let a law be made which forbids all peasants to occupy and exploit more than one farm in the same parish, above all, if one is sufficient to allow an individual and his family to exist," says that of Saint-Cyr.<sup>1</sup>

Some of the peasants, as we have said, cast envious eyes upon the estates of the monastic orders. "To meet the deficit the King could sell the lands and rents belonging to the clergy . . . there would result a great advantage by bringing all these lands into the market." "To relieve the unhappy, His Majesty ought to take possession of the abbeys and other properties owned by the monks." "Let the ecclesiastical corporations be ordered to sell their properties so as to bring them into circulation." Villedébidon, most radical of all, demands "that the lands of the abbeys shall revert to the poor."<sup>2</sup> But in spite of these proposals, aimed at a generally unpopular section of society, we find in the *cahiers* no suggestion of an "agrarian law," such as haunted the classically-fed imagination of the revolutionary legislators ; the nearest approach—and that a very timid one—to anything of the kind is in a *cahier* from the Hautes-Pyrénées, where

<sup>1</sup> Kovalewsky, vol. i. pp. 50, 68, 150 ; Thénard, p. 182.

<sup>2</sup> Fourastié, p. 346 ; Gandilhon, p. 41 ; Bloch, vol. i. p. 138 ; Dupont,

## 88 THE FALL OF FEUDALISM IN FRANCE

there is question "of the necessity for compelling the *seigneurs* to sell their estates to the people . . . while paying them a fourth of their value beyond the just price at twenty years' purchase." <sup>1</sup>

We find, then, widespread discontent with the agrarian system among the peasants in the spring of 1789 ; only a minority suggests radical or revolutionary methods of dealing with that system, but it is clear that if favouring circumstances arise, the peasants as a class will not be slow to attack the whole monstrous and superannuated edifice.

<sup>1</sup> Loutchisky, *Quelques remarques sur la vente des Biens Nationaux*, p. 24.

### CHAPTER III

## THE FIRST PEASANT REVOLT

**T**HE peasants had assembled in their parish meetings, discussed their many wrongs, formulated their modest programmes, elected their deputies, and returned to their homes, there to await a happy deliverance at the hands of Necker, "the virtuous minister," and Louis XVI, "the best of kings." Their mood was one in which gratitude mingled with a fearful hope. But spring gave way to summer; April slid into May, May into June, and still nothing was done. The vision of a new earth began to be clouded by doubts and suspicions. News travelled infinitely slowly in the countryside. Arthur Young, arriving at Château-Thierry on 4 July, found neither a coffee-house where he could hear news, nor a newspaper in which he could read it. "Here are two parishes and some thousands of inhabitants, and not a newspaper to be seen by a traveller, even in a moment when all ought to be anxiety. What stupidity, poverty, and want of circulation!" Besançon, the capital of Franche-Comté, and a town with 25,000 inhabitants, received the post but three times each week, and could only afford Young a newspaper that was a fortnight old. At Dijon he found that nothing was known of the insurrection at Strasburg which had taken place nine days before. Marseilles, the third city of the realm, heard of the events of 14 July at Paris four days after they had taken place.<sup>1</sup>

<sup>1</sup> Viguier, p. 108.

## 90 THE FALL OF FEUDALISM IN FRANCE

Such news as actually circulated was mingled with sinister rumour. When the intrepid English traveller reached Thueyts in the middle of August, he found his agricultural investigations much hampered by the popular belief that he was an agent of "the Queen, the count d'Artois, and the count d'Entragues," these august persons being, as "was known to a certainty . . . in a conspiracy against the Vivarais."<sup>1</sup> The large towns, even, were no better off, if we may accept Young's account of Dijon as at all typical. He found rumour there as full of tongues as at Thueyts—and as little enlightened! It was firmly believed that the Queen had been found guilty of "a plot to poison the King and Monsieur, and give the regency to the Count d'Artois; to set fire to Paris and blow up the *Palais Royale* by a mine."<sup>2</sup>

Indeed, the news that must have been circulating in June and early July of 1789 could have brought small comfort to the country-folk. They must have heard of the upright deputies of the *Tiers* struggling against the selfish nobility and higher clergy—those new Pharaohs who refused to let the people go free; of the good king misled by his scandalous brothers and his Austrian queen. Had not they or some other enemies of the commonweal inspired the royal declaration of 23 June, the words of which must have sounded in the peasants' ears like the death-knell of all their hopes? "All properties without exception must be absolutely respected, and His Majesty expressly includes in the word 'properties' tithes, rent-charges, feudal and seigneurial rights and duties; in general, all the rights and prerogatives attaching to lands and fiefs which belong to private persons." Perhaps, even, the king had given orders for the peasants' relief and the nobles had suppressed them. So, at any rate, men were whispering to one another in Dauphiné in mid-July.<sup>3</sup>

Thus, as the days grew hotter, men's blood grew

<sup>1</sup> Young, 19 August 1789. <sup>2</sup> *Ibid.* 31 July 1789. <sup>3</sup> Conard, p. 34.

hotter too. We can easily picture the discussions in the evenings and at rest-hours in the fields, and hear the note of hope deepening to one of anger. The "great folks" who were to do something for the "poor ones" had failed or betrayed them; what if the peasant sought his own remedy? The memories of the electoral propaganda of the spring must have taken on a fresh significance. We know that in Brittany, for example, the spokesmen of the town *bourgeoisie*, striving to win over the peasant masses to their side, had preached a veritable social war against the nobles. They had spoken of "the enormous fortunes which corrupt society"; of the "enormous abuse" by reason of which "twelve or fifteen hundred citizens labour all the year for a single man." They had declared that "in France we have only two social classes: the one made up of those who enjoy and do not work, the other of those who work and do not enjoy"; they had demanded of the rich that they should "cease to starve the poor man; cease to dispute its bread with the people."<sup>1</sup> Similar propaganda had doubtless been carried on in other parts of the country (we know this was the case in Burgundy),<sup>2</sup> a real sowing of dragon's teeth that was to bring forth a redoubtable harvest.

Even after the meeting of the States-General the scattering of such seed had continued. Radically-minded deputies of the Third Estate wrote incendiary letters to their constituents. These were read aloud in public, copied, and dispersed into the villages of the district.<sup>3</sup>

By the middle of July the tension had reached the breaking-point. The events that followed show how great was the nervous strain upon the population. On the 14th the Parisians stormed the Bastille; in the

<sup>1</sup> Dupont, pp. 19-21.

<sup>2</sup> Cochin and Charpentier, *La campagne électorale de 1789 en Bourgogne*, a piece of royalist propaganda which contains interesting facts.

<sup>3</sup> Taine, *La Révolution*, vol. i. p. 95.

## 92 THE FALL OF FEUDALISM IN FRANCE

weeks that followed the townspeople everywhere carried out a "municipal revolution," sweeping away the old privileged governing bodies and substituting communal authorities more to the public taste. At the same time there swept across France, penetrating even to the remotest districts, that wave of panic terror known in history as the Great Fear. Everywhere it was said that "brigands" were marching, or that foreign enemies—Englishmen, Spaniards, Savoyards—had made invasion. Alongside this movement, and in part cause, part consequence of it,<sup>1</sup> there began the first episode in the war of the peasants against the feudal system, a war which was not to cease till its last vestiges had been swept away in France and a veritable social revolution accomplished.

Some writers have seen in this movement a direct consequence of the insurrection in Paris.<sup>2</sup> But this version of events is at best, as Kropotkin has pointed out,<sup>3</sup> only half true. It is clear, for instance, that the space of time between the events in Paris and the outbreak of peasant insurrections at certain places in the provinces, was much too short to permit of the news of the fall of the Bastille having reached the latter. Arthur Young's evidence on this point seems conclusive. "For what the country knows to the contrary, their deputies are in the Bastille, instead of the Bastille being razed; so the mob plunder, burn and destroy, in complete ignorance."<sup>4</sup> The theory that the disorders, as well as the great panic, were the work of conspirators who, in some miraculous and unexplained manner, had engineered the whole movement, is also much too simple and convenient to be convincing. It is, indeed, rejected by those who have most carefully studied the facts.<sup>5</sup>

<sup>1</sup> Sagnac and Caron (p. x. of Introduction) say categorically that "these pillagings engendered the Great Fear in almost the whole of France." This overlooks the fact that in some parts, *e.g.*, Dauphiné, the panic engendered the pillage.

<sup>2</sup> Cf. Bord, p. 76.

<sup>4</sup> 27 July 1789.

<sup>3</sup> Kropotkin, p. 95.

<sup>5</sup> Cf. preface to Conard's work.

We have to consider that disturbances had been multiplying throughout the country during the whole spring of 1789; one competent authority declares that more than three hundred riots occurred in the four months which preceded the taking of the Bastille.<sup>1</sup> In March, for example, all Provence had been thrown into a ferment by hunger-riots. As early as February, the peasants in several districts of Dauphiné were refusing to pay the feudal dues, and in April a similar state of affairs was reported to exist. On the 23rd of this latter month, the peasants of Passage and Paladru declared that "for the future they would pay no personal dues . . . and that the same shall be signified to Madame the Vicomtesse de Pons, lady of this place." In May, the inhabitants of Ornacieux, who cherished a grudge of long standing against their *seigneur*, refused to pay a certain due unless he produced "the primitive and original titles" which gave him the right to levy it. In the beginning of June the rumour ran at Cremieu that "the manor-houses ought to be burned and plundered." A certain M. de Pusignan, returning home from the market at Burgoin, was told by a fellow-traveller of conversations heard among peasants "which made my hair stand on end. They talked of nothing but assassinations and burnings of châteaux."<sup>2</sup> Passing to the other extremity of the realm we find that it was noted in Brittany, towards the middle of May, that certain parish priests were stirring up trouble in the rural districts. One of these seditious ecclesiastics had declared (on a Sunday) that his flock ought not to acknowledge or pay the feudal dues.<sup>3</sup> The crust of habit, the bonds of social discipline, had clearly long been weakening; there is no need to resort to the hypothesis of a monstrous conspiracy to explain why they finally snapped. The fact that the first harvest had been gathered in;<sup>4</sup> the state of nervous tension in

<sup>1</sup> Duchemin, p. 10 note.

<sup>2</sup> Conard, pp. 37 and 39.

<sup>3</sup> Sée and Lésort, vol. i. p. lxiv note.

<sup>4</sup> Cf. Kropotkin, p. 110.



## 94 THE FALL OF FEUDALISM IN FRANCE

which the population had been living for months, a tension clearly proved by the extravagant character and widespread range of the great panic; the rage and hatred born of hope deferred; these are causes quite sufficient to explain the when and why of the first peasant risings.

The insurrections fell, geographically speaking, into two main groups, an eastern and a western. The provinces affected by the first were those frontier districts in which, as we have seen, the grossest forms of feudal oppression had survived: Alsace, Franche-Comté, Burgundy, the Maconnais, Dauphiné. The provinces of the second group were western: Normandy, Maine, Poitou, and Brittany, but in these the movement was not so violent or widespread as in the east. Elsewhere, only isolated disturbances seem to have taken place.<sup>1</sup>

The first blow would seem to have been struck near Vesoul, in Franche-Comté, where the château of Sancy, belonging to the Princesse de Beaufremont, was sacked on 16 July.<sup>2</sup> Clearly, the news from Paris could not have travelled this distance in so short a time. The same remark applies to the case of the *mainmortables* of Saponcourt, who rose against their ecclesiastical overlords of Cherlieu on the 18th, to be followed by those of Purgerot, Betancourt, and Venisey.<sup>3</sup> The disturbances, which continued till the beginning of August and caused infinite damage (in one part of Franche-Comté three out of every five manor-houses were plundered),<sup>4</sup> took much the same form in all parts. The main object of the peasants was to destroy the hated manor-rolls which were the charters of their servitude, along with all other documents which seemed capable of bearing witness against them. Their forerunners in the Jacquerie had acted in a precisely

<sup>1</sup> Taine, as cited, vol. i. p. 97, includes Auvergne among the provinces affected; but his references are vague, and his statement is contradicted by M. Mège in the *Bulletin historique et scientifique de l'Auvergne* for 1900. I prefer the authority of M. Mège.

<sup>2</sup> Taine, as cited, vol. i. p. 98.

<sup>3</sup> Finot, 1881.

<sup>4</sup> Young, 31 July 1789.

similar manner four centuries before. But a few descriptions of particular incidents will be more enlightening than generalities.

On 23 July, the *mainmortables* of Montigny, a dependency of Cherlieu, rose and invaded the abbey cloisters. On that day they contented themselves with the plunder of the archives. On the morrow they returned and led the monks—their hands bound and with ropes about their necks—to an open space in the village. There they were forced to kneel, and, under the urgency of the threats that were heaped upon them, the brother-purveyor signed, on behalf of himself and the community, a renunciation of the chief feudal rights of the abbey. This document had been drawn up by a notary thoughtfully provided by the peasants. Its preamble has a certain grim humour which makes it worthy of quotation. “Messieurs the Prior and the monks, desirous to satisfy the inhabitants and community of Montigny, and having heard the instructions given them yesterday at Cherlieu and reflected upon them, have consented, accorded, approved, and ratified to the afore-said inhabitants, here present and accepting the following, to wit :” then follows a list of concessions which illustrates at once the grievances and the demands of the peasants. Put summarily, it runs as follows : (1) The *mainmorte* with which the lands of Montigny are burdened is abolished for ever ; (2) the dues on contracts of sale and purchase (*lods et ventes*) are abolished, and the inhabitants are to be free to sell, buy, or alienate as seems good to them ; (3) tithes are abolished ; (4) the monopoly of the bakehouse is done away with ; (5) there is to be no hunting when the crops are liable to damage ; (6) the abbey’s gamekeepers are to be excluded from the inhabitants’ woods and fields, and the latter alone are to enjoy the right to fish ; (7) the pigeon-cotes are to be entirely destroyed ; (8) any inhabitant may keep a dog without muzzling it ; (9) the inhabitants are to be en-

## 96 THE FALL OF FEUDALISM IN FRANCE

tirely free of all *corvées* ; (10) the tallage shall be levied equitably ; (11) all earlier title-deeds are to be null and of no effect.<sup>1</sup>

Luxeuil, which, as we have seen, was another notable centre of feudal survivals, witnessed scenes very similar. In the morning of the 21st the alarm-bell was rung in the neighbouring villages, and the men of Maillerancourt, Landres, Vironcourt, Baudoncourt, La Chapelle, Brotte, and Froide-Couche marched upon the Benedictine abbey, with the village officers at their head. They were armed with every variety of rural weapons. The Prior, Dom Vautherot, received the leaders in the lower court and parleyed with them. They demanded that all title-deeds should be handed over for destruction ; the Prior did not refuse, but asked that a list of the documents should be given him in exchange. The waiting peasants, however, grew impatient, battered in the door of the court and invaded the abbey buildings. " The rioters," says the historian of these events, " swarm up the staircase in the corner of the court, empty some shelves in the library, throw down titles, registers, printed books taken at random, steal the purveyor's cash-box containing twenty or thirty *louis*, then descend to the kitchen, break the plates and fling themselves into the cellar, whence they carry off several barrels of wine." Meanwhile, a similar scene was being enacted at the Abbot's palace. M. de Clermont-Tonnerre was compelled to sign an abandonment of his feudal rights ; whilst the rioters sacked the palace he escaped with his life to Plombières, only to be requested to depart, lest his presence should create disturbances there also.<sup>2</sup>

Of the insurrections in Dauphiné we have a very full and clear account.<sup>3</sup> The movement seems to have been

<sup>1</sup> Finot, 1881.

<sup>2</sup> For events at Luxeuil, see Godefroy, p. 82.

<sup>3</sup> Thanks to the labours of M. Pierre Conard. See his admirable monograph for all that follows.

the direct product of the Great Fear. We have already noticed the disturbed state of the province in the spring and early summer ; when, on 25 July, the rumour began to spread that " brigands " were ravaging Franche-Comté and marching south (a clear proof that in this instance the peasant revolts were the cause of the panic), it fell like oil upon a smouldering fire. On the 27th, a day of storm and rain, the story of the " brigands "—now transformed into a Sardinian army, 40,000 strong—ran like wildfire through the country. The alarm-bells rang in every steeple, scattering terror as far as their clamour reached ; everywhere men hastily armed themselves with such weapons as came to hand, and formed themselves into rough-and-ready militias ; women fled with their children to the woods. Large numbers of armed peasants poured into the towns, anxious to strike a blow in self-defence. By nine o'clock in the evening, for example, two thousand of them had entered Bourgoin, and thousands more arrived during the night. When they learned, as speedily happened, that they had been deceived by a false alarm, their anger and suspicion turned immediately against the nobles. Who, but these ancient enemies of the people, would have thus spread terror through the countryside ? " Since they had found no enemy," the peasants declared, " they would visit the nobles, and the priests who supported them."

The threat was not an idle one ; early in the morning of the 28th they marched out of Bourgoin to put their programme into action. They marched first to the château of Domarin, which they sacked ; then to that of Vaulx, which they fired and destroyed. When Verpillière and Layet had also been ravaged, many were satisfied and returned to their homes ; but others, more determined, continued their march till the 30th, raising all northern Viennois against the nobles and destroying the manor-houses as they went. We cannot describe their

## 98 THE FALL OF FEUDALISM IN FRANCE

activities in detail, or stay to describe events in other parts of the province. Suffice it to say that in three days some fifty-seven châteaux or religious houses were attacked with varying degrees of violence. No lives, however, were taken.

Passing from the East to the West, we notice that the insurrections bore much the same character in both areas. The description of one characteristic episode will suffice for our purposes. On 27 July, the tocsin was rung in the church of Sauvagère (Maine), and several hundred armed peasants assembled. They were careful to bring with them their parish priests and a notary, thus showing a very characteristic desire to "keep o' the windy side of the law." Fortified in this fashion by the countenance of law and of religion, they marched on the château of Vaugeois, their avowed intention being to carve a certain obnoxious gamekeeper into cockades such as every patriot was then wearing! Fortunately for himself, however, the man was not to be found, and the crowd turned its attention to his master, M. de Montreuil. He was first forcibly compelled to sign a formal act of renunciation of all his rights and privileges over the lands of Coulonche and Sauvagère. Then his archives were seized and destroyed; his stock of provisions was plundered, and he himself was obliged to disgorge eighteen hundred *livres* in cash. (The greater part of this sum, it is fair to add, was returned to him later.) The peasants, it would seem, were not so much inspired by personal ill-will against their *seigneur* as by a determination to have done for ever with the economic system he represented. Having dealt thus faithfully with Vaugeois, a portion of the band departed for Couterne, where the programme was repeated. There, also, the archives were burned and an abandonment of rights extracted from the proprietor.<sup>1</sup>

Returning from particular incidents to the revolt as

<sup>1</sup> Duchemin, p. 19 et seq.

a whole, we may note that it exhibited a feature common to most peasant insurrections, that is, the circulation of forged letters, or edicts, alleged to emanate from the government, giving orders for the work of destruction. In Alsace, the authors of these documents (whoever they may have been) thoughtfully caused them to be written in both French and German.<sup>1</sup> "On the 29th [of July]," writes M. Conard of Dauphiné, "the peasants everywhere believed that the pillage was ordered by the king. They believed this the more readily because they were already inclined to imitate the example set them. In their credulity, they very easily admitted that the roughly printed placards, shown them by some obscure leaders, really contained the expression of the king's will; that Louis XVI . . . had taken the side of the peasants against their feudal oppressors."<sup>2</sup> At Hurigny, in the Mâconnais, a copperplate for printing these forgeries was found in the possession of one of the peasants who had taken part in the disturbances in that district.<sup>3</sup> We hear, also, of a man in Dauphiné "who had a copper alphabet with which he made printed placards."<sup>4</sup> It has been assumed that these incidents prove the existence of a widespread and carefully organised conspiracy; but they can, in fact, be paralleled in the history of peasant revolts at other times and in other countries. As Kropotkin observes, it was an obvious method by which the more determined spirits among the peasants could win over the timid and the waverers.<sup>5</sup> It was one, moreover, for which the illiteracy of the rural masses gave ample scope.

The forces of law and order, much shaken by recent events, were everywhere taken by surprise by the revolts, and failed at first to make head against them. They speedily rallied, however, and a work of vigorous repression was taken in hand. The violence of the peasants

<sup>1</sup> Bord, pt. ii. p. 3.

<sup>2</sup> Conard, p. 82.

<sup>3</sup> Rameau, pp. 8-9.

<sup>4</sup> Conard, p. 82 note.

<sup>5</sup> Kropotkin, p. 112.

## 100 THE FALL OF FEUDALISM IN FRANCE

was met by even greater violence, and, it must be said, with very much more bloodshed. The newly-formed militia of Mâcon, for example, fell upon one band of incendiaries at Hurigny; killed twenty of them and took fifty prisoners, fifteen of whom were ultimately dispatched on the scaffold.<sup>1</sup> At Cluny, the loss of life was much heavier, a hundred persons being killed.<sup>2</sup> The bourgeois volunteers of Lyons, and the militias of other towns, were active in Dauphiné, where, indeed, we are told that "the conflict between the party of order and the *canaille*" resembled "a short social war."<sup>3</sup> Large numbers of arrests were made after the bands had been suppressed, and these in turn were followed up by several executions. (A friend of Arthur Young's saw a peasant hanging from a tree close by the ruins of the château at Verpillière.)<sup>4</sup> One excited agent of social order went so far as seriously to propose the illegal revival of torture to extract information as to those who had "formed the plot of these horrible brigandages!"<sup>5</sup>

But even while this work of repression and vengeance was in progress, the effects of these upheavals in the depths of far-off provinces were being felt in the capital. They precipitated a crisis, and compelled the National Assembly to action which was destined to have far-reaching and revolutionary results.

<sup>1</sup> Rameau, pp. 8-9.

<sup>2</sup> Conard, p. 111.

<sup>3</sup> Conard, chaps. iv. and v. *passim*.

<sup>4</sup> Kropotkin, p. 127.

<sup>5</sup> Young, 26 December 1789.

## CHAPTER IV

### THE NIGHT OF 4 AUGUST<sup>1</sup>

THE uprising of the villages was, for the leaders of the Third Estate in the National Assembly, as disconcerting as it was unexpected. Their minds were concentrated on one object : the organisation of a constitution, and this sudden invasion of the economic problem shocked both their ideas and their temperaments. Steeped in legality, and very respectful of property rights, the aims of the peasants were almost as disturbing as their actions. The insurrections, moreover, had produced a situation which threw all their programme of action into confusion. Siéyès was a typical leader of the constitutionalists, and his attitude towards the agrarian problem may be judged by his writings. In the famous pamphlet, *What is the Third Estate?* he had made only a passing reference to feudalism ; in his suggestions to the electors he had certainly mentioned "feudal abuses," but had included them among the matters which could be postponed till after the settlement of the constitutional question. To Siéyès and the class he represented, political reform was the key to the situation ; social questions might be adjourned to an indefinite future.

But the situation was critical and action necessary. On 3 August, a report describing the risings, and of a very alarming character, was read to the Assembly,

<sup>1</sup> For the whole of this chapter, cf. the narratives of MM. Sagnac, Aulard, and Henri Marion.



## 102 THE FALL OF FEUDALISM IN FRANCE

and a draft declaration submitted which censured the peasants and affirmed the necessity for maintaining the feudal dues. But this proposal met with some opposition, so that the discussion had to be remitted to the following day. On the evening of the 4th, Target presented a resolution which was very typical of the men and the ideas predominant in the Assembly. It was conceived in these terms: "The National Assembly, considering that whilst it is solely occupied with the establishment of the happiness of the people on the basis of a free constitution, the disturbances and outrages which afflict different provinces are spreading alarm and inflicting the most fatal injury on the sacred rights of property and the security of persons, . . . Declares, that the ancient laws still stand and ought to be carried out till the authority of the Nation has abrogated or modified them . . . that all customary dues and charges ought to be paid as in the past until the Assembly has otherwise ordered." The carrying of this motion would probably have destroyed the Revolution by fixing a great gulf between the Assembly and the rural masses. The situation was saved by intervention from an unexpected quarter.

There had been a discussion at the Breton Club on the previous evening, when the Duc d'Aiguillon, the richest noble in the realm and a prominent member of the liberal section of his class, had determined to propose the renunciation of their feudal rights by the privileged orders in return for a heavy indemnity. His intention came to the ears of the Vicomte de Noailles, the penniless cadet of a famous house, who immediately made up his mind to supplant D'Aiguillon. Accordingly, on the night of the historic Fourth, he intervened in the discussion and electrified the Assembly by proposing a composite resolution which would have abolished all privileges in matters of taxation, and declared the feudal dues to be redeemable in money. *Mainmorte* and other

personal servitudes, including the *corvées*, were to be abolished without compensation. The villages, he urged, were not interested in constitutions ; the matters which they had at heart were the feudal rights and the taxes. " These communities," he said, " for more than three months have seen their representatives occupied with what we call, and what is, in fact, the public good ; but to them the public good appears to be the good that they desire and that they ardently wish to obtain."

The speech and motion were like sparks thrown into a powder-magazine. " On the instant," says a contemporary report, " a generous sentiment took possession of the souls of all the privileged members and filled them with enthusiasm." If another eye-witness is to be believed, the excitement gained the public in the galleries and inspired one member of it to break into impromptu (and indifferent) verse ! Noailles was followed by D'Aiguillon, who defended the insurgent peasants. " We must admit, gentlemen," he said, " that this insurrection, however culpable (for all violent aggression is so), can find its excuse in the vexations of which he [the peasant] is the victim. The proprietors of fiefs and seigneurial lands are very rarely, it must be said, guilty of the excesses of which their vassals complain, but their agents are often pitiless." His proposals were less generous than those of Noailles, since he desired that all rights should be redeemed at thirty years' purchase, and that they should be " exactly levied and maintained as in the past until their complete redemption."

D'Aiguillon was succeeded by another speaker who merely bored the Assembly ; then there appeared a picturesque figure which revived and increased the excitement ; Le Guen de Kerangall mounted the tribune in the dress of a Breton peasant.<sup>1</sup> " You might have prevented the burnings of châteaux," he told his colleagues, " if you had been more prompt in declaring that the

<sup>1</sup> He is variously described as a farmer and a cloth-merchant.

## 104 THE FALL OF FEUDALISM IN FRANCE

terrible weapons they contained, which had tormented the people for centuries, were to be annihilated by the compulsory purchase you had ordered. The people, impatient to obtain justice and weary of oppression, strives to destroy the title-deeds, those monuments of the barbarism of our forefathers. Be just, gentlemen ; let them bring us here those titles which humiliate the human race by demanding that men should be harnessed to a cart like beasts of burden. Let them bring us those titles which compel men to spend their nights beating the marshes to prevent the frogs from troubling the slumbers of their voluptuous lords. Which of us, in this enlightened age, would not make an expiatory pyre of these infamous parchments, and would not bear the torch to make a sacrifice of them upon the altar of the public good ? ” He urged the necessity for haste ; peace and order would never be restored till money payments, redeemable at will, had been substituted for the dues. Finally, he dwelt upon the consideration which reappeared continually during the next four years, that is, the incompatibility of the system of agrarian feudalism with the ideal of a society of free and equal citizens. “ The Rights of Man have been held to be the necessary preliminaries to the Constitution ; they tend to render men free ; for them to be so, we must agree that there shall be only one people, one free nation, one sovereign ; we must agree to the sacrifices of feudalism necessary to liberty and to a good constitution. Otherwise, if there exist rights of *champart*, chief-rents, fiscalities, registrars, and rights of mills, we shall always see despotism and the tyranny of aristocracy ; society will be unhappy, and we shall only make good laws at last by organising ourselves under a code which banishes slavery.”

By this time the Assembly was ready for anything, even for an absurd speech by a deputy who told of a *seigneur* of Franche-Comté “ who had the right to kill two of his vassals and warm his homicidal feet in their

blood when he returned from hunting !” Noble after noble rose to demand the destruction of some privilege of their class. The Comte de Virieu, in a speech redolent of the eighteenth century, proposed the abolition of the execrated monopoly of pigeon-houses. “The tender Catullus,” he said, “had only a sparrow that he cherished, and he sacrificed it. As for me, I have pigeons which are my chief delight, but since they are injurious to agriculture, I cheerfully consent to sacrifice them.” The night wore on ; the president, Chapelier, began to speak of putting the motions to the vote, but asked if any of the clergy first wished to be heard. Up to this point the members of that order had been conspicuous by their silence ; there was no escape, however, and the Bishop of Nancy associated himself with the attitude of the nobility. The tide was set running again and more renunciations followed. The Bishop of Chartres revenged his order on the nobles by proposing the abolition of hunting rights ; it was accepted, and the Duc du Châtelet riposted by a proposal that the tithes should be turned into money payments, redeemable at will. This, too, was approved, and the discussion continued till the small hours of the morning, when, after deciding that a solemn *Te Deum* should be sung to celebrate the occasion, the Assembly separated. However little it may have understood the fact, it had laid the axe to the root of a social system.

The motions hastily formulated in a whirl of excitement needed to be put into shape and reduced to the form of decrees. This task was begun on the 5th and completed on the 11th. In the interval, the ardour of one section—the clergy—had cooled, and a vigorous debate raged around the question of the tithe. The repeal of the original motion was demanded by members of the order—with disastrous results for themselves ! Buzot, the future chief of the Girondins, answered their appeal by a declaration that the property of the Church

## 106 THE FALL OF FEUDALISM IN FRANCE

belonged by right to the nation. We need not consider here the consequences of that speech, though they formed, indeed, the most important chapter in the history of the Revolution ; we are concerned simply with the fate of the tithe. This was decided at the sittings of the 10th and 11th. Defended by Lanjuinais and Siéyès, attacked by Mirabeau, it finally suffered a fate more radical than that originally proposed for it. The clergy, in truth, had been guilty of a serious blunder in tactics ; they had no means of escape from the dilemma thrust upon them by Ricard. " When the clergy rose with so much ardour to pronounce in favour of the suppression of the feudal rights, was it merely to build up their power on the ruin of other orders ? This very natural suspicion will only disappear when the people knows what you are willing to do for it. Undoubtedly, you wished to assist the Nation ! Very well, then, the redemption of the tithes would only overburden it." The clergy could only submit with a good grace, and in the person of the Archbishop of Aix, consent to the total abolition of the tithe. The work begun on the night of the 4th was finished ; it only remained to appoint a committee to deal with the numerous questions that were bound to arise. This was done on 12 August.

Much subsequent denunciation was heaped on the Assembly and the liberal nobles who had urged it on to this " Saint-Bartholomew of property." Siéyès and Mirabeau joined with discomfited aristocrats in denouncing and belittling the whole episode, which, according to some, had its origin in the lowest motives, and according to others in mere sentimentality. That there was a degree of truth in the second of these charges admits of no doubt ; the first is more open to discussion. It is conceivable, for example, that D'Aiguillon and others were moved by a désiré to outbid the leaders of the Third Estate in popular favour rather than by motives of pure philanthropy ; certainly, the whole conduct of Noailles

seems suspicious. It is difficult, moreover, to suppress doubts as to whether the nobles believed that by making concessions to the popular fury they would the better secure their property. Buchez and Roux urged long ago that "the sacrifices of the night of 4 August were a concession made to the exigencies of the moment rather than a voluntary satisfaction given to public opinion."<sup>1</sup> M. Aulard points out quite correctly that had D'Aiguillon's original suggestion become law, and all the feudal rights been redeemed at thirty years' purchase, the *seigneurs* would have been enriched by the transaction.<sup>2</sup> As against all this must be put the undoubted fact that eye-witnesses of the scene received an impression of real sincerity, and it is impossible, indeed, even at this distance of time, to read some of the speeches without emotion.

But what is of more importance than these speculations is to consider the attitude of the mass of the nobles and of the king. Nothing can be more certain than that the liberal members of the privileged class in the Assembly were entirely out of sympathy with their constituents on this matter of feudalism. They did not even represent faithfully the opinions of the nobles in the Assembly itself. This is made clear by a very revealing letter written on 8 August by the deputies of the *noblesse* of Roussillon to their constituents. "It was only a section, and not the whole of the privileged members, who made haste to speak in the name of their electors, and many were silent; several said that they could only make personal sacrifices, which, indeed, they offered, but they had no power to associate their electors with them."<sup>3</sup> Events subsequently to be described leave no doubt as to the fact that the nobles as a class, though willing to abandon their privileges in matters of taxation, did not

<sup>1</sup> Buchez and Roux, vol. ii. p. 243.

<sup>2</sup> Aulard, p. 87.

<sup>3</sup> Vidal (P.), *Histoire de la Révolution dans les Pyrénées-Orientales*, vol. i. p. 65.

## 108 THE FALL OF FEUDALISM IN FRANCE

in the least desire to strip themselves of their property. Nor was Louis XVI willing to assist in such a process. During the sitting of the 4th, the Duc de Liancourt had hastened to inform him what was on foot and had received an appreciative answer. "I approve everything that the National Assembly is about to do ; I rely on its wisdom and enlightenment, and, above all, on its virtue." But the night brought reflection and a change of mind. The next day the king wrote to the Archbishop of Arles, "I will never consent to despoil my clergy and *noblesse*. . . . I will not give my sanction to decrees which would despoil them, for then the French people might some day accuse me of injustice or weakness. You submit yourself to the decrees of Providence ; I believe that I do so too, by not allowing myself to be carried away by the enthusiasm which has taken possession of all the orders." Louis XVI was not remarkable for his intelligence, but he certainly understood his *noblesse* better than the D'Aiguillons and Liancourts.

This attitude made a conflict between the Crown and the Assembly inevitable. The situation was difficult, for the passing of the decrees had not immediately restored order in the provinces. On 14 August there was a serious anti-feudal riot at Castres,<sup>1</sup> and at the end of the month conflicts began again in Dauphiné, this time in connexion with the tithes. The inhabitants of Lens-Lestang refused to deliver them to the *curé*, while those of Châtonnay, improving on this example, took back from the tithe-farmers the sheaves already collected.<sup>2</sup> The farmers of the revenues of the Abbey of Saint Victor, in Provence, wrote to the Assembly on 16 August that some of the peasants had flatly refused the tithes, others had paid only what they thought fit. The season for collecting the tithe of wine was approaching and it was believed that it would be generally withheld. "The

<sup>1</sup> Combes (A.), *Histoire de la ville de Castres*, p. 51.

<sup>2</sup> Conard, p. 164.

laws and the tribunals have no authority, the local judge has suspended his functions, the higher courts offer no help." <sup>1</sup> The fermentation on the same subject was so grave in Auvergne that the magistrates of Riom thought it necessary to circularise all the parish clergy in their jurisdiction and point out that the Assembly had "announced in the most formal manner in its decree that, until the completion of the plan upon which it is engaged, the tithes will continue to be levied according to the laws and in the accustomed manner." <sup>2</sup> It was imperative, therefore, that the legislative body should act. On 12 September a number of deputies demanded that the royal assent should be given to the decrees on the ground that this was the only way to secure peace. Various statements showed the amount of unrest that still existed and the resistance that was being offered to the policy of the Assembly. Dupont declared that the people of the rural districts would only believe in the reality of the sacrifices made by the privileged orders when the king's assent had been given; in many places, said another member, there had been refusals to sing the *Te Deum* ordered by the decree on the ground that it had no legal effect. Rewbell declared that in Alsace writings were in circulation which declared that the execution of the decree was impossible. <sup>3</sup> The priests of the bailliage of Bouzonville (Lorraine) wrote that many of the local *seigneurs* were levying dues which had been suppressed without indemnity as deriving from *mainmorte*, and were defending their actions on the plea that the Assembly's decree had no validity since it lacked the king's signature. <sup>4</sup> In spite of clerical opposition, the Assembly ordered its president to seek the royal sanction for its resolutions.

This, however, was not so easy to obtain. Louis did not refuse his consent outright, but condescended to argue the question. He approved the abolition of *mainmorte*

<sup>1</sup> Sagnac and Caron, p. 58.

<sup>2</sup> Sagnac, *ib.* 92.

<sup>3</sup> Marion, p. 270.

<sup>4</sup> Sagnac and Caron, p. 92.



## 110 THE FALL OF FEUDALISM IN FRANCE

and recalled his edict of 1779, then went on to criticise the other dispositions of the decree. Were the various personal dues, not humiliating in themselves, also to be abolished without indemnity? What, too, was to happen in cases where such rights had long since been replaced by money payments? Such property rights had existed for centuries; were they now suddenly to be swept away? If not, was there not inconsistency and inequality? Finally, he made a suggestion which would, if adopted, have been sufficient to render any serious scheme of agrarian reform impossible, namely, that the separate redemption of annual and casual dues should not be permitted.<sup>1</sup> A connoisseur in irony might have extracted some satisfaction from the situation. A king of France, the last of a long line of inveterate enemies of feudalism, had constituted himself its advocate and defender! But the Assembly was not in the mood for such subtleties; it made a peremptory demand for ratification. Louis countered with an order that the resolutions should be published, which involved their dispatch to all the courts and administrative bodies, "a very slow operation, destined in the minds of ministers to prevent the execution of the decrees."<sup>2</sup> The debate might have dragged on indefinitely, with check and counter-check, but for the intervention of the Parisians. Marat had already attacked the king and the government for their delays, and one of the motives behind the manifestations of 5 and 6 October was the desire to wrest a sanction for the decrees from the reluctant monarch. What argument had not obtained was won by violence. The Assembly ordered the distribution of the decrees on the 20th, and on 3 November the king formally promulgated them.

<sup>1</sup> Sagnac, notes to p. 94.

<sup>2</sup> *Ibid.* p. 95.

## CHAPTER V

### LEGISLATION AND INSURRECTION, 1789-90

**P**ROPERLY to understand the events that have now to be described, the true character of the decrees passed between 4 and 11 August must first be grasped. The wording of their important clauses is as follows :

(1) The National Assembly entirely destroys the feudal system, and decrees that, of the feudal rights, those which are derived from real or personal *mainmorte* and personal servitude, and those which represent them, are abolished without indemnity ; all others are declared to be redeemable, and the price and method of their redemption shall be fixed by the National Assembly. Those of the said rights which are not suppressed by this decree shall, nevertheless, continue to be levied till their reimbursement.

(2) The exclusive right to pigeon-houses is abolished ; pigeons shall be shut up at the periods fixed by the communities ; during these times they shall be regarded as game, and any person has the right to kill them on his land.

(3) The monopoly of hunting-rights and open warrens is similarly abolished ; every proprietor has the right to destroy and cause to be destroyed, on his own possessions, all species of game. . . .

(4) All feudal jurisdictions are suppressed without indemnity ; nevertheless, their officers shall continue to fulfil their functions till the National Assembly shall

## 112 THE FALL OF FEUDALISM IN FRANCE

have provided for the establishment of a new judicial system

(5) Tithes of all kinds and dues which take the place of them, under whatever name they may be known and levied . . . are abolished. [The Assembly will consider ways and means of providing for the different persons and services at present maintained by the tithes.] However, until such provision shall have been made . . . the National Assembly orders that the said tithes shall continue to be levied according to the laws and in the customary manner. As to other tithes, of whatever kind they may be, they are redeemable in the manner which shall be decided by the Assembly, and until such decision the Assembly orders that their collection shall be continued also.

(6) All perpetual rents, whether in money or in kind, whatever their character and origin, and to whatever persons they may be due . . . shall be redeemable; the *champarts* of all kinds, and under all names, are equally redeemable at the rate to be fixed by the Assembly. It is forbidden to create any irredeemable rent in the future.

The second and third of these clauses raised no doubts or difficulties; they were put into operation immediately and very thoroughly. Every peasant who could lay hands on a firearm of any description promptly fell upon the game, and there was a vast *battue* throughout the country, in the course of which the pigeons of many a *seigneur* suffered the same fate as the hares and rabbits. Arthur Young, as he rode southward at the end of August, was much "pestered with all the mob of the country shooting: one would think that every rusty gun in Provence is at work, killing all sorts of birds; the shot has fallen five or six times in my chaise and about my ears."<sup>1</sup> The spectacle was shocking, indeed, to one brought up in British notions as to the sanctity of game; but the in-

<sup>1</sup> 30 August 1789.

convenience, in the nature of the case, was only temporary, and this massacre was an easy solution of a problem. Other difficulties raised by the decrees could not be disposed of so summarily.

Had the National Assembly sought to create instead of pacifying disturbance, it would not have worded its decisions differently. There was a fatal ambiguity in the opening words which declared the feudal system destroyed for ever, since in the next breath the greater part of it was maintained in existence. Certainly, that existence was to be only temporary, and was to be brought to an end by a scheme of purchase ; but, apart from the fact that the details of that scheme had still to be worked out (during which operation there would inevitably be a period of harassing suspense), men's minds had moved fast and far since the wild days of July. A proposal which would have excited enthusiasm in May, or even June, was certain now to be looked upon with other eyes. But even if this consideration could be disregarded, and it was obviously one of vital importance, there were others of an equally troublesome character. For example, certain rights were suppressed without indemnity and others maintained till they were redeemed. The division between these two categories was based on character and origin ; rights which implied, or could be shown to be derived from a servile status, were swept away ; all others were to hold good. Theoretically, this distinction appeared to be reasonable ; practically, it raised more problems than it solved. How could it be proved, for instance, that a particular rent was, or was not, originally the substitute for some servile charge ? Many of the dues which were being paid in 1789 dated back to a dim and distant past ; even if documentary evidence as to their origins still existed, it was, for the most part, in the hands of the *seigneurs* who were directly and vitally interested in affirming that their rights belonged to one category and not to another. On this capitally important question

## 114 THE FALL OF FEUDALISM IN FRANCE

of proof, which affected the validity and amount of the dues as well as their origin, the Assembly had made no decision, though the point had been raised, as we have seen, in certain of the *cahiers* of parishes. In short, the more closely the decree is examined, the more apparent becomes its weakness as a piece of practical legislation.

It was not long before this weakness was manifested in a drastic fashion. From the middle of August onwards there flowed into the Assembly a steadily increasing tide of questions, protests, and complaints from all manner of bodies and individuals. These documents are of the greatest interest and importance for our inquiry, and a selection of typical cases will serve to show the nature of the problems raised by the August decrees. On 20 August, for example, there is a letter from the Comte de Germiny; at the end of July his château of Sassy, near Argentan, had been attacked by the local peasants, who had carried off his title-deeds and burned them, in addition to massacring his pigeons. He disclaims any intention of proceeding against the guilty parties though he knows some of them, but demands justice from the Assembly, and that it should devise some means whereby his loss may be made good.<sup>1</sup> The tenant of the seigneurial mill at Lindre, in Lorraine, alleges that the vassals of the surrounding villages disregard their obligation to bring corn to his establishment and take it elsewhere to be ground. He has carried the case to the courts, which have given decisions in his favour, but without result. He has set guards to watch the peasants, but they have been chased and beaten, and have finally abandoned their task owing to the lack of support from the municipal authorities. He demands relief from the Assembly, as he is being pressed for his rent by the owner of the mill.<sup>2</sup> Other documents show the lords of manors still oppressing their vassals and resisting the decrees. The communal

<sup>1</sup> Sagnac and Caron, p. 157.

<sup>2</sup> *Ibid.* p. 41.

assembly of Loubédac, in Gascony, complains that a local *seigneur* has obtained a decision from the Parliament of Toulouse, calling upon the municipality to erect a bench for him in the parish church, "with back, elbow-rests, and hassock"; this decision "seems to be dictated by a spirit of aristocracy." The inhabitants have unanimously agreed to refuse till the National Assembly has given a ruling on the point at issue.<sup>1</sup> The inhabitants and municipality of Nerac (Lot and Garonne) write that though "the first article of the decree of 4 August 1789 obviously abolishes the right of *prélation* or *retrait* . . . without indemnity . . . this right is maintained by the *seigneur*," the Duc de Bouillon.<sup>2</sup> The peasants of Vacqueville (Meurthe) are compelled to inform the Assembly that they fear its most just decisions will be eluded; "we suffer at this moment very harsh treatment on the part of the agent of our *seigneur*, the Bishop of Metz." The mayors of certain villages have been condemned to make up "the rolls containing the number of peasants and other inhabitants, as well as the number of their draught beasts." These rolls were formerly used as a basis on which to levy certain dues that the complainants declare to be of servile origin. They are willing, they say, to redeem the charges and to acquit them till that has been done; but, "on his side, the Bishop of Metz ought not to permit his agents, officers, and farmers to menace, terrify, and vex his subjects as they do. Your decrees should be as binding on great lords as on the meanest citizens."<sup>3</sup> The inhabitants of Combret (Lozère) assert that their ancestors formerly enjoyed the right to fish in the local stream, rendering an annual due in return; "the title has disappeared but we still pay, and this fishing-right is prohibited with so much vigour" that certain of them have been brought to the verge of beggary by the heavy fines inflicted.<sup>4</sup> One François Pied de Cocq

<sup>1</sup> Sagnac and Caron, p. 15.

<sup>2</sup> *Ibid.* p. 10.

<sup>3</sup> *Ibid.* p. 131.

<sup>4</sup> *Ibid.* p. 40.

alleges that he was hunting a hare when he was attacked by his *seigneur*, who knocked him down and kicked him ; he offers to prove this by the testimony of forty witnesses !<sup>1</sup> On 3 January 1790, Bouron, one of the deputies for Poitou, writes that " if in some provinces the *seigneurs* complain that their vassals refuse to acquit the feudal dues, in others the vassals cry out against the rigour of the *seigneurs* because, in spite of the suppression of the feudal system, some of the latter continue to hold their assizes, that is, to demand . . . declarations and *aveux* recognising all the rights which have been levied up till this day. It is just to assure to the *seigneurs* the payment of the unsuppressed rights till these have been redeemed ; but it is no less essential to the maintenance of the decrees of the National Assembly and of public tranquillity to declare that the *seigneurs* have no longer the right to hold assizes, as this right is derived directly from the feudal power which we destroyed by the first article of the decree of the 4th August." <sup>2</sup>

In certain cases the peasants raise the question as to the exhibition of titles. The municipal officers of Malau-court and Haucourt (Meuse), for instance, petition that their *seigneur* may be instructed to communicate his title-deeds to them, for " we do not refuse to pay these rights if they are due, but we wish to know why we pay them and what we ought to pay." <sup>3</sup> In other cases communities appeal to the Assembly for advice or rulings upon disputed points arising from the decrees. The municipal officers and inhabitants of Grimaucourt (Meuse) represent that the agents of the Comte de Sampigny have called upon them to pay two bushels of oats each for the use of the seigneurial bakehouse, and a live capon for the right of watering their animals at the village brook which has recently been cleansed by the community at its own expense." The petitioners, fearing

<sup>1</sup> Sagnac and Caron, p. 51.

<sup>2</sup> Sagnac, p. 419.

<sup>3</sup> Sagnac and Caron, p. 54.

to fail in a suit which might be costly to them, "have the honour to recur to your enlightenment and to entreat you to point out to them the steps they ought to take."<sup>1</sup> The inhabitants of Attigny, in the Ardennes, report that they have come to an agreement with the agents of their *seigneur*, the Archbishop of Rheims, to defer to the National Assembly the question as to whether or not certain dues paid by them have a servile origin; an ancient inhabitant holds that such is the case, but only the production of the original titles can prove it.<sup>2</sup>

By no means all the persons interested were willing to adopt this moderate course and carry their grievances before the National Assembly for judgment. We have noted that disturbances had begun again in the provinces on the morrow of the passing of the decree; from the documents received by the Assembly and from the works of modern regional historians we see that they continued and grew in number throughout the autumn and winter. The peasants neither could nor would understand anything of the decree save its opening words: The National Assembly entirely destroys the feudal system. If it were destroyed, why should they continue to pay the rents and dues? The country had suffered from two bad seasons in succession; many of the peasants had fallen into arrears with their payments. Everything invited them to resistance. What M. Conard writes of Dauphiné may be applied, more or less, to the whole of France. "The peasants did not resign themselves to the delays which the National Assembly wished to impose upon them for the redemption of the tithes and rents; they did not always accept the principle. . . . The total and immediate abolition of all feudal servitudes would alone have re-established calm in the villages."<sup>3</sup> Dauphiné, indeed, in spite of its experiences in August,

<sup>1</sup> Sagnac, p. 418.

<sup>2</sup> Sagnac and Caron, p. 105.

<sup>3</sup> Conard, p. 164.



## 118 THE FALL OF FEUDALISM IN FRANCE

showed itself irrepressible. At the end of September the inhabitants of Poët-Sigillat forced the lord of the manor to sell his rights at a very low price. In November, the peasants of Gua, called upon to pay the dues they owed without delay, appealed to the Assembly. "You have annihilated the feudal system," they wrote, "and we are still on the point of being crushed by feudalism." They determined not to pay a penny.<sup>1</sup> At the beginning of January the procurators-general of the Estates of Dauphiné called the attention of the president of the National Assembly to the refusals, "in almost every part of the province, to acquit the seigneurial dues and rents of whatever kind they may be. . . . The efforts that we have made to recall the communities to the true sense of the law, and to the principles of equity, have been unsuccessful. Some of them have even forcibly taken possession of mills and bakehouses which had monopolies. . . . The fear, unhappily too well founded, of being exposed to the violence which the people permits itself in these moments of fermentation, prevents the owners of feudal rights from appealing to the authority of the courts ; they are thus compelled to sacrifice a part of their fortunes to their personal security and to the conservation of the rest of their property. It consequently becomes impossible for the greater part of them to pay their taxes. The diminution, and, for some, the total loss of their revenues, does not permit them to make the required declarations for the patriotic contribution." The letter concludes with a request that the Assembly should hasten to fix the method and price of redemption.<sup>2</sup> In January 1790, the cathedral chapter of Riez complained bitterly to the authorities of the Department of the Basses-Alpes that its tithes were being withheld from it. Since 4 August, "a wind of disorder has swept over Provence, a wind of disorder and mutiny which displays itself by refusal to pay the

<sup>1</sup> Conard, pp. 164-5.

<sup>2</sup> Sagnac and Caron, p. 75.

tithe." "At Oraison the tithe has only brought in 67 *setiers* of grain instead of 500: deficit, 433." Other villages had acted in the same way, with the result that the chapter estimated its losses from the withholding of corn and wine at 5200 and 3431 *livres* respectively. "How," the chapter demanded indignantly, "do you expect fifteen titular beneficiaries and nine servants, twenty-four persons in all, to live upon a revenue of 8800 *livres* when they lack 8600 of them?"<sup>1</sup> The answer of the Department is not, unfortunately, on record. At Heiteren, in Upper Alsace, troubles broke out again in November. The peasants had for some time been disputing their rights over certain woods with their lord; they now threatened to burn his château and buildings, and drive away his agent, if their demands were not immediately conceded.<sup>2</sup> In the same month, the inhabitants of Betancourt attacked and burnt the furnace which the Abbot of Cherlieu had established on their lands. They had accused it in their *cahier* of destroying their woods.<sup>3</sup>

In the middle of September, Brittany was in complete disorder. Local authorities in well-provided districts were forbidding the export of grain beyond their limits; others, threatened with famine, were preparing to break down this monopoly by force. The peasants began to move against the manor-houses. On the 18th of the month, the governor of the province wrote that he dared not afford military protection to the Comte de Ker-Salun who had fled from Quimper and taken refuge on his estate at Corquer. "I should be afraid," he said, "to expose him, myself, and the province if I had his habitation and person guarded by a detachment. This useless act of protection would sound the tocsin, would cause it to be said that we wish to guard and arm the aristocrats, and would expose the châteaux, which would be

<sup>1</sup> Viguier, p. 290.

<sup>2</sup> Hoffman, vol. v, p. 53.

<sup>3</sup> Finot, 1881.

## 120 THE FALL OF FEUDALISM IN FRANCE

defenceless.”<sup>1</sup> At the end of January and the beginning of February, there was a whole series of attacks on the manor-houses. On 17 January, at Campel, after vespers, certain persons “made a list in the cemetery of all those who were to go to carry off the titles and papers from the châteaux of Coëtbo, Boisdenas, La Roche-Cotterelle, and La Chapelle du Bouëxic; one named Jean Bebiu, of the parish of Comblessac, who was present, said that if the lords of these châteaux refused to renounce their feudal rents, their papers and titles must be burned and fire put to the châteaux themselves.” Whether the whole of this programme was carried out is not clear; at La Chapelle-Bouëxic a crowd of peasants, 600 strong, broke the furniture, doors, and windows, and carried off silver and other objects. The feudal documents were carried out into the court and entirely destroyed. On the 23rd, 300 people who had previously pillaged the manor-house of Bois-au-Voyes, fell upon that of Lohéac and sacked it; at the same time they attacked the house of the *seigneur's* bailiff and burned his papers. On the 25th some peasants presented themselves at La Driennaye and demanded a renunciation of the feudal rights; two days later the place was pillaged and the archives destroyed. On the same day a renunciation was forced from the lord of La Molière, and on the 28th the proprietor of La Gaudelinaye was compelled to promise to re-erect a bridge which had recently been condemned. In all these exploits a peasant of La Melattière, one François Vallais, took the lead, and subsequently suffered imprisonment for his activities. It is only just to this village Hampden to note that he prevented the sacking of La Molière. At the end of January or beginning of February the château of Bassardaine, in Saint-Maugan, was pillaged, and that of La Chasse at Iffendic was treated in the same way on the 7th. In this last instance the rioters showed particular

<sup>1</sup> Sagnac, p. 127.

animus against the pigeon-house ; the complaints on this topic had filled a long article of their *cahier*.<sup>1</sup> On the 10th the governor wrote to the Minister for War, " What inquiet me at the moment is the insurrection of the peasants who are pillaging and burning the châteaux. . . . There is question of forming a considerable detachment of troops in some central point of the province which can start immediately for any place where it may be required." Three days later he said in another letter, " I learn that the detachments sent into the country districts to disperse the brigands who pillage and burn the châteaux have returned to Rennes. However, the disorders continue. The peasants and vassals of Beuvres, three leagues from Bain, after having burned the title-deeds, have established themselves in the manor-house and threaten to burn it if other papers that they declare have been hidden are not given up to them. The proprietor demands assistance so that his procurator, who has taken refuge at Rennes, can save the few effects which remain." A further letter of the 17th shows Ploërmel and Redon surrounded by " brigands " and bands of revolted peasants ; the governor permits the municipalities to arm the citizens.<sup>2</sup>

The eastern and western provinces had been the two storm-centres of the upheaval in July ; the ominous fact which emerged in the autumn and winter of 1789 was the spread of the insurrectionary movement to areas unaffected in the summer. In the provinces of the *Massif Central*—Quercy, Périgord, the Limousin, Rouergue, and Auvergne—the revolt was even more serious and widespread than that in Brittany. " In Auvergne," wrote the Comtesse d'Ambrugeac on 31 October, " we suffer a thousand horrors at the hands of our

<sup>1</sup> This account has been pieced together from the notes appended by MM. Sée and Lésort to pp. 303, 307, 399, 485, 488, and 493 of vol. iii. of their work.

<sup>2</sup> Sagnac, pp. 415 and 128.

## 122 THE FALL OF FEUDALISM IN FRANCE

peasants. A whole village refuses to pay unless we produce our title-deeds ; others wait the event and do not pay. If we do not show them, they will not pay ; if we do, they may burn them." <sup>1</sup> The dilemma was indeed a sharp one ! In the same province, in February 1790, the Marquis de Saluces was seized when leaving church after mass, compelled to deliver up his title-deeds, remit arrears of rent, and make other concessions to his vassals. The châteaux at Riom-es-Montagne and Laroquebron were devastated in the last months of 1789.<sup>2</sup> The situation in Périgord, Quercy, and Rouergue was described by one of the deputies of the first-named province towards the end of 1789. " All the peasants refuse to pay the rents," he wrote. " They flock together, organise coalitions, and pass resolutions declaring that no one shall pay rent ; if anyone wishes to do so, he shall be hanged. They go into the houses of *seigneurs*, ecclesiastics, and other well-to-do persons ; they commit depredations and compel the return of portions of rents which have formerly been received." <sup>3</sup> M. Georges Bussière has devoted a large part of his admirable study of Périgord during the revolutionary epoch to what he calls " the rural revolution " ; it is perhaps the most detailed study of a peasant insurrection that we possess. It was towards the end of 1789, at the period when the rents fell due, that the movement took on serious proportions. Local circumstances and the state of men's minds made an outbreak inevitable. The region, says M. Bussière, " was, *par excellence*, the land of feudalism, a land of huts and châteaux." <sup>4</sup> The ideas of liberty and equality had reached the rural masses, whose forefathers had again and again, from the Middle Ages to the end of the seventeenth century, risen against royal and feudal tyranny. They interpreted the Rights of Man in an

<sup>1</sup> Vaissière, P. de, *Lettres d'Aristocrates*.

<sup>2</sup> Serres, vol. iii. p. 75.

<sup>3</sup> Sagnac and Caron, p. 160.

<sup>4</sup> Bussière, p. 234.

original fashion, as an incident reported of the inhabitants of La Douze, in "Black Périgord," proves. These simple people compelled their *curé* to leave open the door of the tabernacle which contained the sacred elements, in order, they said, that "the good God might be free," and adorned it with a national cockade!<sup>1</sup> At this same place, on 30 November, the crier who announced the collection of the feudal dues was threatened and menaced. At La Crote, a week later, after hearing what the crier had to say, the people compelled him to make a very different announcement, to wit, that the first man who paid his rent should be hanged. From merely refusing to pay, the peasants speedily passed to more vigorous action. Since September, M. de Bar, *seigneur* of Paulin, had been quarrelling with his vassals; on 29 November they attacked his château, burst into the outbuildings and burnt some of the objects they found there; then, by threats, compelled De Bar to assent to their various demands. Some asked for the restitution of sums paid for *lods et ventes*; another of a wood which he declared had been illegally taken from him; another of half a meadow, lost through the operation of the right of *retrait*. Others, again, demanded the abandonment of the feudal rents or the return of confiscated arms.<sup>2</sup> The movement spread to the surrounding district, but the authorities soon took steps to suppress it. Three of the leaders were arrested and imprisoned at Sarlat, only to be released shortly after by an armed band, 2000 strong. The peasants thrust De Bar's nephew into gaol as a substitute!<sup>3</sup> In the latter half of January, the movement swept across the whole province. The

<sup>1</sup> Bussière, p. 236. For an admirable description of "Black Périgord" and its peasants, see Le Roy's well-known novel, *Jacquou le Croquant*.

<sup>2</sup> It is interesting to compare this account, based on a contemporary judicial report, with Taine's version. "In Périgord, the château of M. de Bar is burnt; M. de Bar is overwhelmed with blows." *La Révolution*, vol. i. p. 374.

<sup>3</sup> Bussière, pp. 243-51.

## 124 THE FALL OF FEUDALISM IN FRANCE

procedure was everywhere very similar; the peasants began by the planting of a maypole as a symbol of liberty, then demanded the surrender of the weather-cocks which surmounted the châteaux and were the sign that the owners had rights of feudal jurisdiction. "The maypole turned revolutionary," says M. Bussière, "manifested in its attributes the significant symbolism of the promised deliverance . . . it remonstrated with the *seigneurs* in an original fashion. It recalled to them their abusive methods of measuring and shifting the rents in corn; there were hung upon it sieves, brooms, corn-measures, the feathers of fowls, and, supreme ornament, weather-cocks, with which to abate the pride of the castellan."<sup>1</sup> After this ritual came sterner work, the manor-houses were invaded, and the usual demands for renunciations and repayments put forward. The lords' benches in the churches, those material symbols of inequality, suffered severely. Everywhere they were dragged out and destroyed by fire. At Cendrieux, to take one instance out of many, a local innkeeper, Louis Chantal, leader of the popular party in the National Guard of the district, appeared outside the church on Sunday, 31 January, with a dozen of his men. To the sound of a drum, the offensive benches and the balustrade of a chapel were removed, and an immense bonfire preceded the planting of the maypole. One of the local aristocrats, who protested, was told that this was done by the king's orders.<sup>2</sup>

A correspondence of the time, published by M. Caron,<sup>3</sup> throws valuable light on this anti-feudal movement in Quercy and Périgord. The letters were addressed to the Marquis of Lostanges, the grand seneschal and governor of the former province, by his agent at Saint-Alvère, near Bergerac, and other eye-witnesses of the rural revolt in these two regions. The correspondence opens with a

<sup>1</sup> Bussière, p. 260.

<sup>2</sup> *Ibid.* pp. 280-1.

<sup>3</sup> In *Bulletin d'histoire économique de la Révolution*, 1912.

letter dated 25 January, from the agent, Pellissier de la Batut ; " the people," it says, " refuse to recognise any authority. It is impossible to convert them in the matter of the rents ; the wise have paid them, but their number is very small ; the others demand the production of the original titles. . . . The fermentation is extreme about Vigan and in all that part of Quercy. Your farmers tell me that they cannot pay the Christmas term because they have received no rents." Then follows an account of the prison-breaking at Sarlat mentioned above. The letter proceeds, " the château of Repaire has been sacked and pillaged by the inhabitants of the estate, with whom the Comte de Beaumont was at law. The weather-cocks were torn down, the walls demolished, the furniture thrown out of the windows, and the wine in the cellar wasted. From there they went to sack the château of M. de Péchembert, because he is the friend of the Comte, and, in general, no weather-cocks have been left in all that part of Quercy. The *seigneurs* who have not been attacked have fled to escape these incursions. I hope this hatred of weather-cocks will not seize our people of Périgord." By 1 February the danger had drawn nearer ; the common people were insulting the burgesses and honest peasants with impunity. They had destroyed the church benches " on the pretext that those who own them are no better than those who burn them." The writer could mention twenty houses and châteaux in the neighbourhood from which the weather-cocks have been torn down, and the people are casting envious eyes on those of Saint-Alvère. A postscript of the 2nd announced the breaking of the storm ; after the first mass, all the benches and chairs had been dragged from the church and destroyed. A " pathetic " sermon by the *curé* had failed to save them. The hated weather-cocks had only been preserved by a promise to send to Libourne for workmen to remove them.

A letter of the same date from Villefranche-de-



## 126 THE FALL OF FEUDALISM IN FRANCE

Rouergue gives a lamentable picture of the state of Quercy. The writer had been commissioned to revise the manor-rolls at Montpezat and La Bouffie ; he hastens now to be the first to inform the Marquis of the events of 30 January at the former place. At midday a band of peasants had invaded the town and sounded the alarm-bell to gather adherents. When reinforced, they rushed to the château, burst into the barns and ravaged them, then broke down the doors of the main building. " Unheard-of crime ! These scoundrels, without any respect for your property, consummated their offence ; they destroyed, tore, spoiled, annihilated everything : feudal acts, foundations, family titles, charters and diplomas, the works of several centuries, nothing was spared. Their rage and fury was so extreme that they destroyed, broke, and threw from the windows the coffers and presses of your archives." From the château the rioters passed to the writer's house : a pistol shot, fired by one of his clerks, only added fuel to the flame, and he was glad to escape by a back door and fly from the town. Another letter, written by an inhabitant of Montpezat, adds a few details to this account. From it we learn that the château of the Marquis at La Bouffie had been pillaged on the 29th, that the house of his commissioner had been sacked and most of the papers destroyed, as well as those of another of his agents.

A fresh letter from Saint-Alvère, of the 3rd, tells of disturbance there. It appears to have been comparatively mild in character ; the château was not invaded, and the rioters were satisfied with the surrender of the weather-cocks. " Yesterday they planted a great tree that they call a maypole and attached to the top of it a sieve and the measures for the rents, as well as a fowl and a she-cat to typify the *acapte*. . . . They tore down the pillory and burnt it. They wished to remove your coat-of-arms from the façade of the church, and some of the more violent wanted to do away with those at the

château." Two days later the agent was able to report the restoration of peace, and the subsequent letters are mostly taken up with the transquilisation of the country.

Rural France was clearly drifting towards anarchy, a movement which, it was manifest, could only be arrested by a straightforward and definite solution of the problems raised, but not settled, in the decree of August. Early in February the matter was discussed in the Assembly, and Robespierre appeared as the defender of the peasants. The incident was typical of the man; he spoke of "the people who had burnt the châteaux," and was interrupted by a cry of "Not the people, but brigands!" "If you wish," answered the Incorruptible, "I will say the citizens accused of having burned the châteaux." "Say brigands!" roared the Marquis Foucauld de Lardimalie. "I will use nothing but the word 'men,'" replied Robespierre, and continued his discourse.<sup>1</sup>

Foucauld, however, was not to be disposed of so easily. A great *seigneur*, he felt that his 600,000 *livres* of income were in danger; a few days later he was at the tribune, demanding repressions and punishments. The time had gone by, he declared, for decrees and proclamations; "the means that could formerly be employed with so much success will be insufficient if we do not at the same time prove to the people that a public force exists which is capable of repressing the wicked, the disturbers of order who prefer anarchy to peace." The task of restoring order had, in fact, already been begun; troops were scouring the disturbed provinces, dispersing the bands and arresting their leaders. On 10 February a correspondent of the Marquis de Lostanges wrote from Montpezat that the prisons of that town were gorged with brigands; in most of the villages the insurrectionary maypoles were being pulled down. Severe punishments followed; of one band of peasants in the Limousin who had resisted dispersion, two were hanged, four imprisoned,

<sup>1</sup> Bussière, p. 293.

## 128 THE FALL OF FEUDALISM IN FRANCE

four others pilloried and flogged.<sup>1</sup> But the disorders were spread over too wide an area to be adequately dealt with by measures of police. Legislation was needed, and to this task the National Assembly turned.

The decrees of August had created a Committee on Feudal Rights which was to draft the laws needed to supplement those decrees; the Committee had not been effectively constituted till 9 October, a dangerous delay of nearly two months. Its members were drawn from all three orders, but from the first it was dominated by the jurists Tronchet and Merlin de Douai. It was the last-named who reported to the Assembly on 8 February and took the lead in the subsequent discussions.<sup>2</sup> From 24 February to 15 March, the Assembly was engaged in passing a series of decrees which were combined into one comprehensive law on the latter date, and received the royal assent on 28 March. It was supplemented by a further decree, signed on 9 May, and the whole thus formed a complete code of feudal legislation, which, in spite of the inevitable tedium of the task, demands a careful analysis if subsequent events are to be understood.

The Committee, followed by the Assembly, took the decrees of August as the basis of the new law; its preamble even repeated the ambiguous phrase as to the complete destruction of the feudal system. But even less than its predecessor did the new decree actually accomplish such destruction, since it also went on to divide the feudal rights into two classes, one of which was to be abolished without indemnity, and the other redeemed by a money payment equal to the capitalised value of the dues. The conception on which this distinction was based was the

<sup>1</sup> Bussière, p. 297.

<sup>2</sup> Kropotkin, p. 200, says that Grégoire made the report. His name, however, does not appear in the list of members of the Committee given by MM. Sagnac and Caron (see their note to p. 11), who distinctly state that Merlin discharged this office.

old one ; in the first class were included personal rights, "obliging persons directly, legitimate in the troubled times of the Middle Ages when the *seigneur* provided security and work for his vassals, useless and unjust ever since the lordship became nothing but an inert and injurious organism" ; in the second class were the real rights, "obliging persons only through the intermediary of the land, due from the soil itself for the concession of which they had been established, usually overlaid with a seignorial form, but, in reality, charges on the land."<sup>1</sup> This division into categories was the foundation of the whole edifice of the law, and affected every part of it ; by its rationality the structure itself must be judged.

The distinction between the two classes of rights was based on a theory of their origin. "The Committee," says M. Sagnac, "wished to distinguish legitimate rights from those which had been usurped, to suppress the latter and maintain the former. . . . The personal rights are presumed to be derived from exactions ; the real from concessions of land."<sup>2</sup> According to this theory, some men had been enslaved in the dark ages of feudalism and by violence compelled to submit to iniquitous restrictions upon their personal freedom. The Declaration of the Rights of Man called for the abolition of these restrictions, and they must disappear for ever. To others, or perhaps to the same men at a different period, their lords had conceded a portion of land, and had charged it with certain payments or servitudes in return. These charges were property, and since the same Declaration regarded property as one of "the natural and imprescriptible rights of man," "a sacred and inviolable right," of which no one could be deprived save by due process of law and after the payment of an equitable indemnity, it naturally followed that they must be preserved. Once the premises were accepted, the rest of the argument was unshakable, and the distinction made by the law entirely

<sup>1</sup> Sagnac, p. 98.

<sup>2</sup> *Ibid.* pp. 97 and 99.

legitimate. "But," as M. Sagnac remarks, "this distinction, though it proceeded from very praiseworthy intentions, was impossible in practice. It was an attempt to bring a factitious regularity out of the irregularity of ancient institutions, slowly elaborated and transformed, of which the juridical rules had been sufficiently well fixed, but the origins of which were unknown or contested. The Committee began by a chimerical enterprise. How was order to be brought out of what seemed to defy order, harmony out of what had been formed on no settled plan, according to the whim of circumstances?"<sup>1</sup> Considered as an historical statement of the origins of feudalism, the theory of the National Assembly will not bear a moment's investigation. The feudal rights dated from an age when the peasant had neither personal liberty nor any true right of property. The *lods et ventes* were as clearly survivals of this servile condition as *mainmorte* itself. No divergence of opinion as to the origins of serfdom can alter this view, for whether we hold that the serf was the direct descendant of the slave of Roman times or regard him as a once free man, brought low by economic pressure or actual violence, the facts as to his status in the Middle Ages are not in dispute. Could a mediæval lawyer have been transported into the France of 1790 and told that Jacques Bonhomme, a peasant, was bound to carry his corn to the lord's mill, to perform so many *corvées* during the year, to pay *rachat* or *acapte* at each mutation of property, and that his land was subject to *champart* and *lods et ventes*, he would have unhesitatingly proclaimed him a serf, and would have been filled with amazement to hear that he was nothing of the sort, but a free man. It would be unjust to reproach the legislators of the Assembly with lack of the sound historical knowledge which modern scholarship has won for us, though there were contemporaries who did grasp the truth as to these

<sup>1</sup> Sagnac, p. 92.

matters;<sup>1</sup> the real charge against them is that, blinded to realities by a purely legal theory, they attempted to reconcile irreconcilable things, and by endeavouring to impose unity where none was possible, caused infinite suffering and danger to their country. The peasant's instinct was of more avail in this instance than the learning of the jurists; he had grasped the fact that the different parts of the feudal system were intimately connected, and that to attack one was to attack the whole. But the lawyers, nobles, and ecclesiastics who made up the bulk of the members of the Assembly could not and did not take this view. Their task, as they understood it, was to satisfy the demands of the newly enfranchised rural masses with as little damage as possible to the interests of those who lived upon their labour. Armed with their theory of the two categories of feudal rights, they set valiantly to work to divide them, and prepare for the suppression of some and the redemption of others.

They were confronted from the first with the insurmountable difficulty of distinguishing in practice between the real and the personal charges. It was easy, for instance, to decree that "all honorary distinctions, superiority and power resulting from the feudal system are abolished. As for those profitable rights which will continue to exist till they are redeemed, they are completely assimilated to simple rents and charges upon land." But it was not so easy to decide whether a particular right fell within one division or another. Let us take as an example the case of *mainmorte*. As we have seen, there were two varieties of this servitude; in one, it was clearly personal and hereditary, and thus offered no difficulty. In the other, it arose from the tenure of a particular holding; the *mainmortable* acquired his status by reason of the occupation of land. Here, a "personal" disability had a "real" foundation.

<sup>1</sup> Cf. the document printed by Sagnac and Caro, p. 272.

## 182 THE FALL OF FEUDALISM IN FRANCE

According to strict logic this right should have been classified as redeemable, but the Assembly, doubtless feeling itself bound by its previous decrees, decided otherwise. All descriptions of *mainmorte* were definitely suppressed, without indemnity, and the same fate befell the tenures of the Bourbonnais, Nivernais, and Brittany, that is, *bordelage* and *quevaise*. In one very important point, however, the new decree was less generous than the old. The law of August had abolished, along with *mainmorte*, all rights derived from, or representing it. In cases, therefore, where lords of manors had enfranchised their serfs in return for payments in money or kind, whether annual or casual, these payments were suppressed along with the servitudes in which they had originated. Such a course was at least logical. But the Committee and the Assembly now took a different line. They argued that the act of enfranchisement had abolished the original contract on which the *mainmorte* had been based, and the payment substituted for it was the result of a fresh contract which had nothing in common with the old. It must be regarded as the price of a concession of land, was consequently real in its character, and not to be abolished save after payment of the legal indemnity.<sup>1</sup> This was a serious retrogression from the spirit of the original decrees which were thus robbed of much of their value. As M. Sagnac remarks, the Assembly "only suppresses rights which have almost everywhere disappeared; it maintains those which have replaced them and are very widely spread."<sup>2</sup>

The lack of logic and disregard of realities that distinguished the famous classification of rights on which the Assembly based all its work, was particularly apparent in its decisions as to the position of the former *mainmortables*. Along with their peculiar servitude these people had been subjected to the usual feudal charges.

<sup>1</sup> Sagnac, p. 99 note.

<sup>2</sup> *Ibid.* p. 100.

It is perfectly clear that all these rights had a common origin, and that *mainmorte* was not different in kind from them. But the acceptance of this view would have ruined the whole legal edifice which the Assembly was painfully building up ; it was necessary, therefore, to make the fundamental distinction, and the ex-serf found himself still charged with all the dues with which he had formerly been burdened. In one particular only, though assuredly an important one, had his economic position been improved.

Along with the destruction of all the servile tenures, the Assembly decreed the abolition without indemnity of certain other feudal rights. Here it is not necessary to follow its example and draw up a complete catalogue of all the duties which were suppressed ; we need only note the more important. All the feudal monopolies, including those of mill, bakehouse, and winepress ; the rights over ferries, fairs, and markets, on the transportation or sale of commodities, on cattle using the roads of the lordship, those which gave the *seigneur* an advantage in the sale of his wine or produce, were swept away. With them went *retrait* and *prélation*, tallage at will, tallage in the four customary cases, payments on houses or for the right of residence, the charges for watch and ward and for military protection ; the *corvées*, the rendering of faith and homage, and, finally, " all subjections which, by reason of their nature, can be of no real utility to the persons to whom they are due." This last provision presumably covered the humiliating rights exacted from newly-married persons in Brittany. The assimilation of the dues which were to remain to ordinary rents of land had the abolition of *aveux* as a necessary consequence, and the owners of fiefs were forbidden to continue the compilation of any manor-roll which had been commenced before the publication of the new law. Lastly, " all privileges, feudality, and nobility of properties being destroyed, the rights of primogeniture and of



## 184 THE FALL OF FEUDALISM IN FRANCE

masculinity in regard to fiefs, domains, and noble lands, and unequal partitions by reason of the quality of persons, are abolished." This provision necessarily swept away *franc-fief* and the obstacles which it erected against the acquisition of noble lands by non-noble persons. Henceforward, there was to be only one class of landed property in France, and the common law in regard to inheritance was to apply to it without exception.

At first sight it would appear that the new decree had made a very considerable breach in the fabric of agrarian feudalism. Some of the most offensive and vexatious of the rights which had afflicted the peasants were declared abolished, and the wholesale destruction of the monopolies apparently realised one of their most ardent desires. But closer inspection shows that this had not really happened. We have seen that the Assembly, under the influence of its theory of classification according to origins, had departed from its previous decrees in the matter of rights representing *mainmorte*; under the same influence it hedged its abolitions about with exceptions. The *corvées*, the rights of watch and ward, of military protection, the taxes on residence, were only suppressed without indemnity if it could be shown that they did not originate in a concession of land. So far as the seigneurial mills and similar monopolies were concerned, important exceptions to their abolition were laid down. They were to be maintained if they could be proved to have been established (1) "by a contract entered into by a community of inhabitants with a person who is not a *seigneur*"; (2) "by a contract entered into by a community of inhabitants with its *seigneur*, by which the latter shall have granted to the community some advantage in addition to obliging himself perpetually to maintain the mills, bakehouses and other objects of monopoly in a good state"; (3) "by a concession made by the *seigneur* to the community of inhabitants of rights of usage in his woods or meadows."

The path was made smooth for those lords who wished to prove that their rights were included in one of these exceptions to the rule of abolition. In the absence of the primitive and original title, two recognitions in due form of the existence of the right, and proof of its uninterrupted possession for forty years, were to be sufficient.

All the other feudal rights not included in the above list were declared (unless proof of the contrary were forthcoming) to be "the price of a primitive concession of land," and as such were to be purchased by those who owed them. They were to be levied till such redemption had taken place. Within this category were included the most profitable rights, such as the *cens*, *champart*, *lods et ventes*, *terrage*, *rachat*, *acapte*, and the infeudated tithes. Now, as we have seen, many of these rights were vigorously contested, either as to their validity or amount, by the peasants; they wished to know why they paid them and what was their true value; hence the repeated demands for the production of the original titles. The Assembly had made it easy for the *seigneurs* to prove that the rights they owned did not belong to the suppressed category; it made the task of the debtor who wished to show that the dues he owed were illegal or excessive correspondingly hard. The onus of proving usurpation was thrown upon him, though the title-deeds, which alone could be decisive, were almost always in the hands of the *seigneurs*, if they existed at all. The appeal, in case of dispute, was to be to the existing laws and customs, that is, to a jurisprudence framed by, and in the interest of the feudal class! In the regions where the rule "no land without a lord" was in force, "the *seigneur*," says M. Karéiew," had no need of titles to support his pretensions to the *cens* on all the land included in his lordship,"<sup>1</sup> and these regions included the greater part of France. The provinces where the "written law" held sway had been, in theory, better off, since there the

<sup>1</sup> Karéiew, p. 42.

## 186 THE FALL OF FEUDALISM IN FRANCE

rule "no *seigneur* without a title" was in force, but the effect of the new decree was to nullify any advantage which the peasants might have drawn from this principle. The provisions of the law amounted, for all practical purposes, to the prohibition of the challenging of contested rights. As M. Sagnac writes, in an illuminating passage, "Will the debtor ever be able to prove that he does not owe? The non-existence of an obligation cannot be demonstrated; that is irrational and impossible. Shall he attempt to prove violence and usurpation? But of violence it is scarcely possible to bring anything but moral and unwritten proofs. . . . The creditor alone has a title; it is for him to produce it; proof should be at the charge of the party who demands payment. In vain the deputy Gualtier de Biauzet . . . demanded that it should be for the proprietor of the lordship to prove that the dues had a real origin; Tronchet opposed this motion, and the Assembly supported him. Instead of attaching themselves to a principle which was as simple as it was well founded, the members of the Constituent, always starting from the distinction between personal and real rights, applied to the former a different rule from that which regulated the latter, and, through clinging to an entirely juridical principle, ended in an impossibility of fact. They had promised, in 1789, to reform the whole agrarian system founded on the customary laws, and it is these customs that they take as a foundation; it is the customary rules, always respectful of possession and usurpation of fact, and not of right, that they scrupulously maintain. The old law still weighs heavily upon the new. The debtor, not being able to bring contrary proof, must respect the possession of his lord, must continue to pay the *cens*, to carry a part of his harvest into the seigneurial barns that are often leagues from his own home, must quit his field for several days in the year to work upon his master's land." <sup>1</sup>

<sup>1</sup> Sagnac, pp. 104-5.

The Assembly, in its zeal for property rights, be-thought itself that the title-deeds of many *seigneurs* had been destroyed in the insurrections; others had been compelled to sign renunciations of their rights. To meet these cases, it inserted clauses in the law which permitted the former to claim their rights by proof of thirty years' possession; the latter could nullify the extorted acts by application to the courts within three years of the laws coming into force. Further, there had been, as we have noted, a tendency on the part of the communal authorities to take the lead in the war on feudalism; they were now expressly forbidden to issue any prohibition of the collection of dues. If these were contested, the debtor must prove his case unaided.

One other matter of considerable importance was dealt with in the new law—the question of the common lands—and here the Assembly for once showed itself more generous than its Committee. The latter simply proposed the abolition of the right of *triage* for the future. But the problem of the commons was particularly urgent in Artois, and Robespierre, who was one of the deputies for that province, intervened with effect. "We must choose," he said, "between the ordinance of 1669 and eternal justice. . . . The law, by ordering the restitution of legitimate property, will not have a retrospective, but an immediate effect. I demand that this restitution shall cover the last forty-six years."<sup>1</sup> The Assembly rejected the proposal of the Committee and partly accepted that of Robespierre. Not only was the right of *triage* as established by the ordinance of 1669 abolished, but "all edicts, declarations, decisions of the Council, and letters patent issued during the last thirty years, both in regard to Flanders and Artois and to all the other provinces of the realm, which have authorised *triage* in cases other than those permitted by the ordinance of 1669, shall be of no effect, and all judgments rendered and acts done in

<sup>1</sup> Sagnac, p. 102.

## 188 THE FALL OF FEUDALISM IN FRANCE

consequence of them are revoked." The communities were given five years in which to obtain the restitution of their lost property. A further article dealt with the special case of Lorraine, Barrois, and the Clermontois, where the *seigneurs* had been in the habit of levying a tax called "third penny" on the woods and common lands held by the communities; this charge was now abolished, save in cases where there were only rights of usage and not of property. At the same time, all the decisions of the Council and letters patent which had, during the last thirty years, deprived the inhabitants of forests and lands in which they had a right of property or usage were revoked, and the provision as to obtaining restitution within five years was applied in this case also. These clauses were the Assembly's most radical achievement.

It was necessary to prepare a scheme for the purchase of the dues declared to be redeemable, and this was accomplished by a supplementary decree which was passed on 3 May, and received the royal assent on the 9th. Disregarding minor details and considering only its main effect, we may note that the Assembly, following once more the lead of its feudal Committee, rejected any idea of enfranchisement *en masse*; it rejected, too, the proposal that collective enfranchisements should be carried out by the village communities; the redemption of the dues was to be left to the unaided resources of the persons who owed them. For the purposes of such redemption, the value of the annual dues was fixed at twenty times the yearly amount if they were paid in money, twenty-five times that amount if they were paid in corn or other produce. Two important qualifications were attached to the right of enfranchisement. In the first place, a peasant whose land was burdened with both regular and casual obligations could not rid himself of the first without at the same time purchasing the second. If his holding were charged, for example, with *champart*, *rachat*, and

*loids et ventes*, he was bound to redeem them all in a single transaction. In the second place, where, as was so often the case, several persons were collectively responsible for the payment of a due or rent-charge, solidarity was enforced in the matter of redemption also. No individual could procure his enfranchisement apart from that of the whole group.

It is not too much to say that, having regard to the economic and social circumstances of the time, the conditions which the Assembly laid down rendered its scheme of redemption by purchase a practical nullity. Let us, in order that we may clearly understand the consequences which followed on its enactment, consider the matter rather more closely. There is no need to repeat what has already been said as to the initial injustice by which the peasant was condemned to pay for rights which he believed to be the illegal fruit of violence and usurpation ; that consideration was enough to vitiate the whole scheme from the beginning. But the practical details of its operation were even worse. On the face of it, twenty years' purchase does not appear an excessive price to pay for relief from charges which were as burdensome in their incidence as they were vexatious in their collection. Yet the justice of a price is dependent on the circumstances of the man who pays it. Pence represent a greater sacrifice to a labourer than do pounds to a millionaire. Now, as has been demonstrated at length in an earlier chapter, the economic system under which the peasant lived had worked to deprive him of any reserve of capital. Taxes, tithes and dues reduced him, most frequently, to the bare level of subsistence, so that an unfavourable season was sufficient to bring him to starvation and bankruptcy. When, by incredible economies, he had obtained some capital, it had usually been sunk, as we have seen, in the purchase of more land. His efforts towards improving his economic position were now rewarded by his being

## 140 THE FALL OF FEUDALISM IN FRANCE

loaded with a heavier burden if he desired to emancipate his land and himself from the yoke of agrarian feudalism. To tell such a man that, if he could accumulate twenty times the value of his annual charges he should be free, was little better than a mockery. The case, indeed, was really worse than that. Actual money payments were usually the smallest parts of the peasant's annual rent-charges, and by a most unreasonable provision, the price of the larger portion was fixed at twenty-five times its yearly value. This value, too, had been tending to increase for years along with the general rise in food prices.

The other restrictions with which the Assembly hedged about its scheme of purchase operated to produce a similar effect. The peasant could not enfranchise himself from his yearly dues, the payment of which was certain, without at the same time redeeming such casual dues as the *lods et ventes*, which it was possible he would never need to pay at all! The proposition has merely to be stated to show that it originated in a profound misunderstanding of the peasant's habits of mind. The psychological barrier to enfranchisement erected by this article was almost as powerful as the economic. Nor did the matter end there. The legislators had supposed another and very probable case. The peasant might be in arrears with his dues, either because he was suffering from the poverty induced by the two bad harvests of 1788 and 1789, or because he had joined the current of revolt in the previous winter and had withheld them of set purpose. The zeal of the deputies for the preservation of property rights was greater than their enthusiasm for the emancipation of the masses; they added a clause to the law which made the acquittal of arrears of rent a necessary part of any act of enfranchisement. It was to place one more obstacle in the peasant's path to freedom. They went even farther; the peasant who had liberated his holding from both annual and

casual dues must, if he desired to sell or otherwise dispose of his land, wait for two years or pay the *lods et ventes* as if the indemnity had not been rendered. Tronchet, as the mouthpiece of the feudal Committee, had demanded that the period should be ten or at least five years; but here, again, the deputies were more moderate than their leaders.<sup>1</sup> The consequences of the enforcing of collective purchase in the cases where solidarity between the debtors of feudal dues existed are so obvious as to need but little explanation. Just as the poverty or bad faith of any member of the debtor group had led under the old system to the overburdening of his fellows, so now if one man were unable or unwilling to release himself, he compelled the rest to remain economically enslaved. The peasants in their *cahiers* had called the practice of solidarity "a barbarous custom"; the National Assembly, in its wisdom, decreed that the barbarity should remain.

What would have occurred if the Assembly's scheme had been tried under the normal circumstances which it presupposed is fairly clear. That section of the peasantry which, by reason of its easy access to markets, its possession of superior land, or of some source of income additional to agriculture, had more chance of collecting a reserve of capital, would have enfranchised itself. The great mass would have remained under the feudal yoke, or, driven on by land-hunger, have tried to borrow the price of its freedom, and would thus have fallen into the clutches of the village money-lender. That scourge of all peasant communities was active in eighteenth-century France, despite all anti-usury laws, and the result of his ministrations would have been the descent of an ever-increasing proportion of the cultivator class into the abyss of debt-slavery. Then would have followed the sale or the abandonment of the land, the growth of a rural proletariat at one end of the social scale,

<sup>1</sup> Sagnac, p. 118.



## 142 THE FALL OF FEUDALISM IN FRANCE

and of a peasant *bourgeoisie* at the other. The germs of such classes already existed, and in two generations the peasant democracy which is the kernel of modern France would have become an impossibility. That this is not merely an hypothesis is shown by what actually happened during the Revolution in regard to the sale of the lands of the Church and the emigrated nobles. It was in such districts as the Beaujolais, where the peasants added to their incomes by manufacture, that they were able to make the most complete conquest of the soil thus put at their disposal.<sup>1</sup>

Neither the ecclesiastical tithes nor the feudal jurisdictions were dealt with in the laws of March and May 1790. In order to complete this account of the National Assembly's legislation, its action in regard to these two questions must be briefly described, even at some sacrifice of strict chronological order.

A discussion in the National Assembly as to the fate of the tithe was opened in September 1789. When, on the 24th, Necker gave an alarming report on the state of the national finances, Dupont de Nemours seized the opportunity to demand that, for the policy of abolition laid down in the August decree, should be substituted one of redemption. This would avoid a new and heavy charge on the revenues and would be less injurious to the interests of the clergy. Dupont's speech was an able one, but it is hardly strange that he failed to convince his audience. The Assembly was naturally loath to return upon its previous decision; it was already committed to a scheme of redemption of the feudal dues, and to organise two such schemes side by side was to invite failure. In any case, its attention was speedily drawn to more urgent matters; the days of 5 and 6 October intervened, and on the 10th Talleyrand made his historic motion for the sale of Church property to meet the needs of the nation. The Bishop of Autun

<sup>1</sup> *Vermale*, p. 284 et seq.

proposed that the tithe should either be collected by the State till it could be completely abolished, or that three-quarters of it should be suppressed at once and the remaining quarter redeemed. Neither of these expedients was adopted, since the Assembly was too much occupied with the main question of the Church lands, and it was not till after the decree on the feudal dues had been disposed of that the question of the tithes was raised again. On 27 March it was proposed that a committee should be set up to prepare a scheme of legislation ; this was accepted, and twelve days later a report was presented. Chasset, the spokesman of the Committee, a deputy of the Beaujolais, had supported the suppression of the tithe during the discussions of August, and the proposals he was charged to put forward were, on the whole, in line with previous decisions of the Assembly. He urged that the tithe should continue to be levied until 1 January 1791 ; that it should then be suppressed without indemnity, since a scheme of purchase would present too many practical difficulties, and that the salaries of the clergy, together with the cost of erecting and maintaining the churches, should become public charges.

The discussion on this project went on from 11 to 20 April, when the decree was finally passed. Chasset's scheme roused violent opposition, especially among the higher clergy, and was carried with difficulty. Nevertheless, the Committee finally triumphed, and the decree received the royal assent on 22 April. Many of its clauses were concerned with matters of detail which need not detain us ; for our purposes, the essential article is the third, which reads as follows :

" The tithes of all descriptions, abolished by Article V of the decree of 4 August last, together with the rights and dues which take the place of them, mentioned in the said decree, as also the infeudated tithes belonging to lay persons for which an indemnity shall be accorded to the proprietors by the public Treasury, shall all cease

## 144 THE FALL OF FEUDALISM IN FRANCE

to be levied as from 1 January 1791; those who owe them, however, shall be required to pay them for the first year to whomsoever has the right to receive them."

The tithes were thus definitely to disappear from French soil.

One point in this article demands closer attention, that, namely, which relates to the infeudated tithes. It will be remembered that in March they had been included among the feudal dues which were to be redeemed by those who owed them; the new law declared that they were to be purchased by the State. The legislators, in fact, had involved themselves in considerable confusion in regard to these dues. Merlin and the feudal Committee had considered them as representative of the price of a concession of land, a view which was, of course, quite unreasonable. They were, for the most part, ecclesiastical in origin, and had usually found their way into secular hands by dubious means. As M. Marion remarks, "they owed their existence to abuses or violations of the law,"<sup>1</sup> and had been the subject of numerous protests by the Church in the Middle Ages. On the other hand, certain of these tithes were simply *champarts* or *terrages* to which an ecclesiastical title had been given, possibly, M. Marion suggests, to make their collection easier by giving them a religious appearance and thus impressing the peasants.<sup>2</sup> The confusion was only removed in October 1790, when Chasset proposed a decree (finally passed on the 23rd) which dealt incidentally with this variety of tithes. This law made a proper distinction between the two types of infeudated tithes; those which had an ecclesiastical origin were to be redeemed by the State, while those which were, in reality, only disguised feudal dues, were to be redeemed by those who owed them, on the lines of the decree of May.

The feudal jurisdictions had been abolished in principle by the decree of August, but their officers were

<sup>1</sup> Marion, *Dîme ecclésiastique*, p. 299,

<sup>2</sup> *Ibid.* p. 302.

maintained in their functions "till the National Assembly shall have provided for the establishment of a new judicial system." This new system was not set up till 16 August 1790, when the decree of that date provided for judges elected by the people and paid by the State. A further decree of 6 September 1790 finally suppressed all the old tribunals.<sup>1</sup>

To do justice to the feudal legislation of the National Assembly is not easy. We can realise its errors and their consequences much better than its difficulties. It was striving, against very heavy odds, to bring order and system into the legalised anarchy of the old régime. It had to count with the secret hostility of the Court and the open opposition of most members of the privileged orders. The deputies, in the nature of the case, lacked legislative experience. But when all allowances have been made, it must be said that the Assembly erred grievously and in the worst possible way. It was dominated by a spirit of system, and that system drew too much of its inspiration from the social and political order it was intended to replace. When the Assembly should have been most cautious and conservative, it was violent and radical; when everything called for vigorous, clear-cut decisions, it was compromising and even reactionary. It might easily have won the great mass of the rural clergy over to the Revolution; it antagonised them by the monstrous and illiberal Civil Constitution of the Clergy. Instead of utilising the strong and deep-rooted provincial patriotism of the people to put vitality into a democratic system of local government, it organised the entirely artificial scheme of Departments, which led inevitably to apathy and bureaucratic centralisation, and has hung like a dead weight about the neck of France ever since. It formulated a philosophy and a programme for liberal democracy in the Declaration of the Rights of Man and the Citizen; it contradicted that philosophy and betrayed

<sup>1</sup> Cahen and Guyot, pp. 178-84.

## **146 THE FALL OF FEUDALISM IN FRANCE**

that programme by the constitutional law which set up a privileged class of "active citizens," who alone enjoyed political rights. It was indulgent when the property of nobles was at stake, harsh and uncompromising when that of poor peasants was in question. It proclaimed the abolition of feudalism, and then reconstructed the edifice it had pretended to overthrow. The consequences of that fatal compromise must form the subject-matter of our next chapter.

## CHAPTER VI

### THE RURAL REVOLUTION, 1790-1

“**N**EVER,” says M. Sagnac, “have laws let loose more lively indignation.”<sup>1</sup> It is, indeed, no exaggeration to say that the decrees of March and May carried consternation into every quarter of France. There was no longer room for doubt or hope ; the feudal system was not to be abolished, it had even been fortified by the removal of its most glaring anomalies. Once more a steady stream of protests began to flow in to the National Assembly and its feudal Committee ; once more class-warfare broke out in the villages as the *seigneurs* or their agents strove to enforce their threatened rights and the peasants strove to destroy them. It will assist our comprehension of events if, disregarding strict chronology, we discuss these three movements separately. Let us begin with the criticisms of its legislation which rained upon the Assembly from the rural districts.

All these documents have a similar tale to tell, a tale of disillusionment and consternation. The new laws have not brought emancipation nearer, they have even made it impossible. The peasants cannot hope to redeem their lands, so harsh are the conditions which have been attached to that process. Moreover (and the communities proceed to prove their case figures in hand), if the indemnities were paid on the basis laid down in the May decree, the lords would not be merely compensated but positively enriched. If emancipation is to become

<sup>1</sup> Sagnac, p. 121.

## 148 THE FALL OF FEUDALISM IN FRANCE

a reality and not remain a pious aspiration, the purchase terms must be modified ; the peasants must be allowed to redeem the annual apart from the casual rights ; solidarity must be abolished. But it will be best to let the villages speak for themselves. On 8 May "the poor peasants and cultivators of the province of the Haute-Marche" represent that they had hoped to enjoy some improvement in their lot as the result of the work of regeneration undertaken by the Assembly. "But the hopes of the petitioners will be without result if the august Assembly does not lend them a helping hand, for they perceive that neither they nor their children will ever enjoy this great liberty, but will remain eternally under the yoke of the feudal system." It is true that they are permitted to emancipate themselves, but the indemnities and dues on mutation are so heavy that they could not hope to do this even if the decree had not maintained solidarity. "The petitioners supplicate the august Assembly to have the charity to moderate not only the price of the dues in kind, but also the casual charges . . . also to authorise each individual to redeem himself even if others cannot do so."<sup>1</sup>

We possess no less than four documents emanating from different municipalities in Dauphiné, all enforcing similar points. The communal councillors of Thuellius declare that "the decrees of the National Assembly . . . regarding the feudal rights have thrown them into the greatest consternation." The average price of grain during the ten preceding years has been taken as a basis for calculating the capital value of the feudal rights ; in some of those years the price was excessive, with the result that "not only is redemption impossible for poor proprietors, but it would be so disadvantageous for all that even the most easy in circumstances would not take advantage of it. Thus, of all the benefits conferred by the National Assembly, that which is the greatest, the

<sup>1</sup> Sagnac and Caron, p. 250.

most precious, the most necessary to liberty (with which the maintenance of the manorial dues, those cruel survivals of the feudal system, is incompatible), will be absolutely nullified, and the people's dearest hope will have been nothing but a vain illusion." This contention is proved by a statement of prices. On the basis fixed by the decree, the capital value of a *bichet* of wheat would be 105 *livres*; this does not include the casual dues. Now, judging by actual sales of land in the district, the real capital value is between 60 and 80 *livres*, in which sum the price of the casual dues is included. "There is not a proprietor of rents who would not have regarded himself as making an advantageous speculation if he had sold his land, along with the casual rights, at 70 or even 65 *livres* the *bichet*." The municipality swears to respect the decrees of the Assembly and cause them to be respected, "nevertheless, the universal disquiet spread among the people, the interests both of proprietors of rents and those who owe them, the public tranquillity," make it essential that it should beg the legislature to moderate the price of redemption.<sup>1</sup> The communal council of Montferrat makes a similar calculation; it works out the cost of the indemnity at the same figure as that given for Thuellius, and calculates that this would be more than half as much again as the just price of the dues! The council, again following the example of Thuellius, contrasts this impracticable proposal with the arrangement made in the neighbouring Duchy of Savoy, where the amount of the indemnity for the feudal dues was fixed at 68 *livres* for the *quartel* of wheat instead of 105 as in the Assembly's decree. Even there, it points out, enfranchisement is not yet complete.<sup>2</sup> It is possible that the greater part of the country might be able to liberate itself, but if the rates fixed by the

<sup>1</sup> Sagnac and Caron, p. 251.

<sup>2</sup> For the facts as to emancipation in Savoy, see Bruchet (M.), *L'abolition des droits seigneuriaux en Savoie*.



## 150 THE FALL OF FEUDALISM IN FRANCE

decree are maintained, "this miserable region, badly endowed by nature, will bear the chains of servitude eternally."<sup>1</sup> The Mayor of Saint-Ferjus, near Grenoble, bears similar testimony in an interesting memoir. He estimates that of every 70 *sous* paid as indemnity under the Assembly's decree, 34 would represent an excess over the true value of the rents and dues thus purchased. "It results from these observations that the inhabitants of the country districts must remain subjected to the slavery of feudalism. . . . The high price at which the indemnity has been fixed being advantageous only to the proprietors, the debtors, having neither the will nor the means to liberate themselves, will be treated by them with more rigour than formerly ; the hopes of deliverance from the oppression of the rent-farmers with which the peasants have been entertained have been rendered vain by the decrees the Assembly has passed. It is for the wisdom of our representatives to weigh the consequences."<sup>2</sup>

The fourth of the Dauphiné documents, drawn up in June by "the general council of the commune and the active citizens of Brangues," is so clearly written that it merits quotation at some length. "The decrees of your august Assembly concerning the method and price of the redemption of the feudal rights have spread consternation among the inhabitants of the rural districts. Along with the whole of France we applauded the immortal constitution that you have given to this Empire to guarantee the liberty of man and procure for citizens security in their properties, their enterprises and labours. Our most sacred duty is to love our country and interest ourselves in its happiness. The tender solicitude you have shown for the feeble and oppressed draws all virtuous and sensible hearts towards you, and gives us confidence that you will be willing to hear us." Then the letter comes to grips with its real subject.

<sup>1</sup> Sagnac and Caron, p. 254.

<sup>2</sup> *Ibid.* p. 262.

" The destruction of the feudal system decreed on the 4th August, without which the liberty of the rural populations cannot exist, made us hope that the price and method of redemption would be fixed in a manner which would enable us to enfranchise ourselves from the real servitudes which oppress this community, as well as all those in the canton. We know the respect due to property of all kinds ; we have given proofs of this in the unhappy times when pillage and arson surrounded us on every hand, but we do not think that we fail in this respect when we address to you our representations on the decree of April 23, which renders it morally impossible for us to enfranchise ourselves from the charges with which we are overwhelmed.

" In brief, the servitudes of this community consist almost entirely in payments of wheat, and amount on several properties to three *bichets* for each ploughland of 600 fathoms. Calculating the value of this species of grain on the basis fixed by the decree, that is, on the average price at the nearest market during the fourteen preceding years (subtraction being made of the two highest and the two lowest figures), the price of our *bichet* of 40 pounds amounts to 4 *livres*, 8 *sols*, which, at four per cent, gives a capital value of 110 *livres*. This is a considerable sum, and up to the present, when lords of manors have permitted enfranchisement, they have never bargained for more than 70 or 80 *livres*, the casual rights included. These dues on mutation are fixed in our community at one-third of the selling price of real estate. . . . Now, what proprietor, the father of a family, peaceably in possession, will so miscalculate as to give the ninth of his fortune to free himself from a charge which neither he nor his children may ever be called upon to pay ? The terms of the decree are infinitely to the advantage of the proprietors of rents, and much beyond anything they would themselves have demanded. Obligated to make considerable payments for the upkeep and renewal

of their manor-rolls, to construct barns, and carry their grain to market, they would treble their incomes if any-one were extravagant enough to liberate himself in this manner. In fact, the *bichet* of wheat, including the casual dues, is farmed out in this district at from 40 to 50 *sols*, and redemption would increase its value to 7 *livres*, 10 *sols* at least.

"An universal disquiet has spread among the people, and it cries out in its unhappiness. The weight of the feudal system, then, is fixed upon us more firmly than ever; we are exposed to the oppressions of irritated proprietors, to the insolence of collectors and farmers of rents who will be inexorable in times of shortage; unless we deprive ourselves of a large part of our property to redeem ourselves . . . we shall still sigh under the yoke which will weigh upon our heads." <sup>1</sup>

These protests from Dauphiné do not stand alone; we possess others from the Bouches-du-Rhône, the Lot-et-Garonne, the Basses-Alpes, the Yonne, and the Corrèze. They use the same arguments and express them in almost identical words. "We shall always be slaves because the seigneurial rights are excessive." <sup>2</sup> "You announced in your decrees that you had destroyed the feudal system; you did the opposite, and we prove it by a simple calculation that you cannot contradict; we shall always be forced to call our *seigneurs* those to whom we pay dues that we cannot redeem, on account of the excessive price you have fixed." The value of the charges on a unit of land in this district [Lot-et-Garonne] varies from 300 to 400 *livres*, including the rents in corn, fowls, money and labour; their purchase price under the Assembly's scheme would be 540 *livres*, and that of the casual dues 500. "After this proof, which cannot be refuted, no one will buy; we shall always have *seigneurs*, and, in consequence, your labour and the decree which is the fruit of it are reduced to nothing, while we are aban-

<sup>1</sup> Sagnac and Caron, p. 264.

<sup>2</sup> *Ibid.* p. 266.

doned to all manner of vexations. We owe small thanks to our six deputies, who have not opened their mouths to defend our interests in this matter ; they know well enough, and you also, Messieurs, of whatever province you may be, that with 400 *livres* one can buy the rents of a piece of land together with the casual dues which fall upon it when it is sold. What have you done, then ? Nothing but exalt men's minds and make them cry out upon you."<sup>1</sup> This was exceptionally plain speaking, but it came from a region where there had already been, and were to be again, serious peasant insurrections.

The administrative assembly of the Basses-Alpes vigorously attacks the provisions of the decree which deal with the title-deeds of the feudal lords. " If the yoke of feudalism has been broken, the usurpations of which it has been guilty still remain. How many rights have been established by fraud ? How many have been extorted by fear and oppression ? How many, again, owe their establishment to the notorious partiality of our higher tribunals ? What has been left undone to wrest their means of defence from communes and from oppressed individuals ? Their titles have been carried off from their own archives or from the registers of notaries. The law must give them help against such vexations. Of what use would it be that feudalism were annihilated if the chains that it has imposed upon us remained ?" The articles of the decree which declare certain dues redeemable, and enforce their payment till the indemnity has been rendered, are worthy of praise since property must be respected. But the article relating to proofs of title is open to grave objection, for there are no express rules and customs which deal with this matter. " The parliamentary jurisprudence on this subject is truly oppressive ; a single acknowledgment, supported by thirty years' prescription, suffices for the Church and the *seigneurs* having rights of high justice ; two acknowledgments are

<sup>1</sup> Sagnac and Caron, p. 267.

## 154 THE FALL OF FEUDALISM IN FRANCE

needed for the simple lord of a manor. Thus it was to the *seigneur* with rights of high justice, the man who had most means of oppression at his command, that were given the greatest facilities for arrogating to himself rights which were not due to him. If such rules be followed to-day, there is no usurpation that will not be protected." The assembly urges that when the *seigneurs* cannot produce the original title-deeds of their rights, their absence should only be supplied by two acknowledgments which mention a third, and are of an earlier date than 1650.<sup>1</sup>

The administrative officers of the Yonne fasten on the same point, and give a much-needed lesson in history to the National Assembly. If, they urge, the rights which have been abolished without indemnity were servile in their origin, exactly the same can be said of the rights declared redeemable. There is even more reason to suspect usurpation in the case of the latter, since they are more profitable to those who own them; hence the multiplied refusals to pay on the part of the peasants. "The obstinate refusals of the people to pay the *champart* or *tierce* arises from the injustice of that right in many places; for, during the last thirty years, the cupidity of the *seigneurs*, the complacency of the commissioners for renewing the manor-rolls, the difficulty in obtaining justice against powerful men, have daily augmented these rights, and the people, at once the victim and the witness of these iniquities, has again revolted against them.

"Why are the rights of *tierce* and *champart* more favoured than the *corvées* and monopolies if their origin be no purer? And if, on the contrary, the means of extending the former have been easier and more common, if their later creation is only the more suspect, and, finally, if by reason of their value the titles have been better preserved, could they not without injustice be submitted to more rigorous proof? . . . Nothing is less established than that the rights of *tierce* and *champart* are, in general,

<sup>1</sup> Sagnac and Caron, p. 268.

the fruit of a primitive concession of land ; it is demonstrated, on the contrary, and proved by history and all the old titles, that these rights are representative of *mainmorte* in the greater part of the realm, since, in the eleventh and succeeding centuries, *mainmorte* covered our provinces ; to release the *seigneur* from the production of titles and charge the peasants with proof, is the very reverse of what we expected ; it puts the debtor in the position of not being able to obtain justice against the most odious of the feudal rights. . . . Justice, on this occasion, seems to have two weights and two measures ; all the rights of which there is question in the decree have the same origin ; some, however, are only to be confirmed on the strength of titles, whilst for the maintenance of others only simple possession is needed, which can alone be destroyed by a proof almost impossible to obtain. . .

“ Liberty is the common law ; servitude is a right beyond the limits of the common law ; all that which is contrary to liberty demands express proof ; it is not for the slave to prove that he has not been bought, it is for his master to produce his title of acquisition ; the decree renders homage to this principle of public law when it obliges the proprietor of monopolies or *corvées* to justify his possession by titles. The right of *champart* holds the land in a state of slavery, it is a right of servitude over a portion of the earth ; the amendment [to the decree] derogates from principle when it calls for direct proof of the contrary from that which owes the right ; but, moreover, it derogates from reason when it demands proofs by titles from him who has not and cannot have these titles at his disposition. For although the titles are common to the former *seigneur* and the proprietors, he will not communicate them, or will conceal them upon various pretexts as soon as his interest warns him of the danger of this communication. Thus, from the inability of the proprietor to afford a proof which is physically impossible, will follow the confirmation of all

## 156 THE FALL OF FEUDALISM IN FRANCE

usurpations, and the law which began by promising complete justice will end by according none." <sup>1</sup>

The National Assembly, then, did not lack criticism, both destructive and constructive, of its work ; what effect these criticisms had will appear in the sequel. Our immediate concern is to note the resistance to the execution of the decrees by the *seigneurs* on the one hand, and by the peasants on the other.

The nobles as a class were favourably treated by the decrees of 1790. Had it been possible to execute their terms, the *seigneurs* would have lost certain honorific rights and even some valuable properties, but the redemption of the real dues would have left them considerably enriched. Nevertheless, many members of the class were unable to reconcile themselves to the loss of their privileged position. As a rule, an aristocracy or oligarchy values its social superiority more even than the wealth which is the basis of it, and will fight much harder to maintain its position as a ruling class than its actual material prosperity. Hence the determination of many *seigneurs* to enforce the last jot and tittle of the rights that were left them, and their unwillingness finally to abandon those of which they had been deprived. Moreover, they had been afraid. The fierce and sudden uprising of the men of the fields had carried terror into every château. When the storm seemed to have passed, and the law had declared itself once more the protector of property and privilege, there was a very natural and human disposition to strike back, to remind the peasant in various unpleasant ways that master and servant were not empty words but stern realities. The complaints and protests which poured in to the Assembly give ample evidence of this disposition.

Thus, on 25 March, the very morrow of the passing of the new law, we find "the peasants and cultivators of the Haute-Marche" complaining that "your decree

<sup>1</sup> Sagnac and Caron, p. 270.

of the 4th August checked the hostilities of the *seigneurs*, but as soon as they had knowledge of the last one they recommenced their old vexations against the petitioners."<sup>1</sup> At Villeneuve, in Provence, the *seigneur* endeavours to enforce his right of *retrait* against a vassal.<sup>2</sup> The community of Frontignan (Haute-Garonne) has been worsted in a lawsuit with M. Dupas de Fronsac in the matter of the erection of a bench in the parish church. It has been cast in damages to the extent of 400 *livres*, and has been compelled to beg for six months' grace. But it fears that it will be no better able to pay at the end of that period than it is at present, and what will then become of it? It cannot resist De Fronsac, "for he is swimming in money and the community in poverty"; he will give the people no quarter, "for he has dared, when speaking of our deputies in the Assembly, to say that the reward they may expect when they return home is to have their heads cut off; judge whether he will show us mercy."<sup>3</sup> The Mayor of Caudan, in Brittany, writes to complain that the local *seigneur* is endeavouring to compel the tenants on his domain to carry out the usual *corvée* of repairing his mill. With the letter he encloses a playing-card, a nine of clubs, on the back of which is written, "Jacques Le Moing, tenant at Koeller, is to assist without fail in the reparation of the mill at Plessix; I warn him that he will be compelled to do this at his own expense, nothing as yet exempting him from his obligations." "This card will prove to you, gentlemen," adds the indignant Mayor, "how much contempt is poured by certain individuals on the wise decrees already promulgated by the august Assembly." This was obviously a bold attempt to coerce the tenant; the *corvées* were included in the class of rights abolished without indemnity unless they could be proved "real" in origin, and even in this case the proprietor had to

<sup>1</sup> Sagnac and Caron, p. 101.

<sup>2</sup> Viguiet, p. 259.

<sup>3</sup> Sagnac and Caron, p. 183.



## 138 THE FALL OF FEUDALISM IN FRANCE

produce a legal title.<sup>1</sup> The community of Vélosnes (Meuse) complains that the *seigneurs* have been harassing the people since 4 August, and are endeavouring to enforce a right of *terrage* legally condemned as long ago as 1604. They have already involved the community in an expenditure of over a thousand *livres*, and are obviously trying to weary it out by continual suits. They have, moreover, been pasturing their cattle in the communal meadow.<sup>2</sup> From the region of Belfort there comes in April a protest against the actions of the tithe-farmers. After the August decree it had been generally believed that the tithe was abolished, and its proprietors made no effort to collect it; now, they are enforcing it by prosecutions, of which more than three thousand are in progress.<sup>3</sup> The municipality of Tournau (Seine-et-Marne) calls for the support of the Assembly against the *seigneurs* of the district who persist in hunting over the fields of their neighbours, and defend their action on the ground that they have a right to do so if the game has been started on their own properties. The municipality has pointed out that "if, unhappily, any proprietor had the right to pursue game over the lands of his neighbours, anyone could scour the country for ten leagues round . . . which would give rise to enormous brigandage."<sup>4</sup> Ebblinghem (Nord) alleges that the seignorial jurisdiction is still enforced by the officers.<sup>5</sup> The Directory of the Loire-Inférieure calls the Assembly's attention to an attempt to enforce the right of *sergentise*. This is obviously a personal *corvée*, and as such is abolished, nevertheless, the lord of the manor has called upon two of his vassals to collect the rents and render him an account within one month. These individuals at first began the collection; then "better advised and enlightened by the sentiment of liberty which has spread

<sup>1</sup> Sagnac, p. 417.

<sup>2</sup> Sagnac, p. 419.

<sup>3</sup> *Ibid.* p. 369.

<sup>4</sup> Sagnac and Caron, p. 371.

<sup>5</sup> Sagnac and Caron, p. 249.

into every corner of France, they felt the burden of a *corvée* to which they ought not to have submitted, and returned both the manor-roll and the dues they had collected to the *seigneur*." He refused to receive them, and legal proceedings followed. "He was neither astonished nor discouraged; wishing to sustain his pretensions to the end, he summoned the two receivers of rents, and not only demanded payment in full, but also an acknowledgment wherein, along with the declarations as to their properties, they admitted the right of *seigneurie*." This was quite illegal, since the power to demand *aveux* had been swept away by the March decree.<sup>1</sup> A similar complaint comes from the Côtes-du-Nord. The Directory urges that the Assembly should deal with the matter at once. "Already, in many places, prosecutions have begun . . . complaints come to us from all parts, and we fear lest they should speedily change into cries of fury and revenge."<sup>2</sup> The inhabitants of Payrac (Creuse) declare that "although the decrees of the august Assembly . . . are sufficiently clear and precise, the former *seigneurs* of this province of the Haute-Marche continue to vex the petitioners with demands." The lord of Saint Maixent is especially active, "he alleges that the *bouades* and *vinades* [local names for the *corvées*] which appear on his court-roll are not abolished."<sup>3</sup>

The foregoing citations are all from documents of 1790. But there were similar complaints and protests in 1791 also, as the following examples will show. In January, the municipality of Beaulieu (Corrèze) complained that the farmers of feudal rents were still collecting dues which should have been abolished; they ignored both the decree and the prohibitions of the commune, and, relying on the support of the reactionary administration of the department, continued to levy the charges in question.<sup>4</sup>

<sup>1</sup> Sagnac and Caron, p. 389.

<sup>2</sup> *Ibid.* p. 400.

<sup>3</sup> Sagnac, p. 416.

<sup>4</sup> Sagnac and Caron, p. 208.

## 160 THE FALL OF FEUDALISM IN FRANCE

In March, at Ognéville (Meurthe), the *seigneurs* were endeavouring to collect arrears of dues which had been abolished for over a year.<sup>1</sup> A letter dated 11 June shows that the law officers of the *seigneurs* were still endeavouring to exercise their authority in Maine-et-Loire. "Feudalism is abolished and the seignorial courts are suppressed. The feudal notaries and sergeants continue to exercise their functions on the territory of our department."<sup>2</sup> In the same month the inhabitants of Saint-Maurice-sur-Fessard (Loiret), protested that the *seigneurs* were putting obstacles in the way of those who wished to redeem the dues.<sup>3</sup>

Even in full revolution the attacks of the privileged class upon the communal property of the peasants continued. The inhabitants of Quincerot, in the Yonne, found their pastures invaded by the farmer of the seignorial rents, who was also clerk to the lord's court. The threats and entreaties of the municipality could not prevent him driving a flock of 180 sheep into the open fields.<sup>4</sup> In the same way, the people of Nitting (Meurthe) suffered from the ravages of the *seigneur's* cattle in the forest where they enjoyed rights of usage; trees of all ages were attacked, "nothing is respected, everything is subjected to the teeth of his beasts, which alone enjoy the privilege of browsing in the forest throughout its whole extent." Remonstrances were useless; "I must enjoy it while I can," was the answer, "make profit, and augment my revenues."<sup>5</sup> Seven villages of the Isère wrote to complain of the usurpations of the Carthusians in their communal woods; "they have never been carried so far, they have never been made with so little disguise . . . as since the passing of the decree which transferred ecclesiastical properties to the Nation."<sup>6</sup> At Jouy-sous-les-Côtes (Meuse) the municipality complained that the lord had, by enclosing land, prevented the inhabitants

<sup>1</sup> Sagnac and Caron, p. 417.

<sup>2</sup> *Ibid.* p. 200.

<sup>3</sup> *Ibid.* p. 418.

<sup>4</sup> *Ibid.* p. 507.

<sup>5</sup> *Ibid.* p. 518.

<sup>6</sup> *Ibid.* p. 534.

enjoying the customary rights of pasture in the open fields after the harvest, and had proceeded against them for breaking down his hedge.<sup>1</sup>

But the feudal offensive, vigorous though it was, shrinks to small proportions when compared with that of the peasants. Deceived and disappointed, the rural masses flung themselves into the war against the châteaux with renewed energy. A song ran through the villages of Périgord which describes the popular attitude in rude dialogue. A peasant, going to his work in the early morning, meets a *seigneur*, who threatens to tread him under his horse's hoofs. "Come on, Monsieur," cries the peasant, "and I will argue with you with my axe and goad!" "Rascal peasant," the lord replies, "I have known the time when you were not so haughty, when you came to borrow bread and wine from me." "Monsieur," comes the triumphant answer, "thanks to the good God the old days are no more! If the peasants wished it, the gentlemen would have to go to work themselves."<sup>2</sup> The old days are no more: that short sentence summed up the peasant's attitude. Feudalism for him was abolished; if the nobles and lawyers in Paris would not sweep the accursed thing away he would do it himself. In the papers of the feudal Committee we can see him at work.

We note that the war on the seigneurial benches in the churches continues. The *curé* of Buxières (Allier) writes that his parishioners have dragged them out and destroyed them, following in this the example of the neighbouring villages. The municipality has fined the rioters 3 *livres*, but dares not do more, for "the people are too furious and will not suffer it."<sup>3</sup> The weather-cocks, too, continued to be an eyesore to certain populations. The departmental authorities of the Corrèze beg advice on this subject in January 1791; people think that "the weather-cocks, having always served as the exterior

<sup>1</sup> Bussièrre, p. 166.

<sup>2</sup> Sagnac and Caron, p. 190.

<sup>3</sup> *Ibid.* p. 195.

## 162 THE FALL OF FEUDALISM IN FRANCE

sign of a fief, and consequently of feudal power, ought to be torn down." The question is urgent, for insurrections are on the point of breaking out all over the department.<sup>1</sup> In April 1790, at Urvillers, near Saint-Quentin, the *seigneur* appeals to the National Assembly for protection against the Mayor and inhabitants, who threaten to cut down his trees.<sup>2</sup>

It was, however, during the summer months that the anti-feudal movement was most violent. In June, at Davenescourt (Somme), the portion of the commons which had been enclosed by the Comtesse de la Myre in 1785 was invaded by armed inhabitants, who terrorised the municipality and threatened to kill anyone who interfered with them.<sup>3</sup> At Châteauvillain (Haute-Marne), the peasants drove their flocks to pasture in the seigneurial woods, and guarded them, musket in hand.<sup>4</sup> In the Nièvre, more than fifty persons, armed with all sorts of rustic weapons, marched on Asnan, invaded the house of a notary, and forcibly compelled him to refund the dues they had paid. They spent the rest of the day peaceably in the inns of the place, and after their return home published, "to the sound of a drum," an order that whosoever paid the dues in future would be fined ten francs.<sup>5</sup> In the Loiret, rumours were spread about the country that the National Assembly had suppressed the *champart*; the inhabitants refused to hand over the sheaves, and at Coinces fired a proprietor's barn. The municipal bodies were unable or unwilling to intervene; at Nemours, a crowd of 200 persons terrorised the judges, while the officers of the court were threatened or ill-treated.<sup>6</sup> At Garravet (Gers), the Mayor announced after Mass on Sunday, that he had received a decree which forbade the payment of dues, and authorised the seizure of the commons. The following Saturday, the

<sup>1</sup> Sagnac and Caron, p. 214.

<sup>2</sup> *Ibid.* p. 557.

<sup>3</sup> *Ibid.* pp. 383 and 651.

<sup>4</sup> *Ibid.* p. 545.

<sup>5</sup> *Ibid.* p. 650.

<sup>6</sup> *Ibid.* p. 652.

peasants assembled, and after parading the village, broke into two of the lord's farms, carried away corn, beat down the fences of his garden, and threatened to burn the château. According to his own account, they refrained from doing so simply because he was not there ! Subsequently, he was warned not to appear in Garravet ; the priest was ordered not to give him shelter ; the payment of rents for the use of his mill was forbidden on pain of death. After an unsuccessful attempt to extort a renunciation of his rights, the village cattle were turned loose in his fields.<sup>1</sup> In the Yonne, four municipalities summoned the proprietors of feudal dues to deposit their title-deeds for examination within a fortnight, failing which, the payment of all dues would be forbidden. The royal Council was obliged to intervene and nullify these orders.<sup>2</sup> A letter from a priest at Mirepoix (Ariège) shows that in Languedoc, also, the peasants were demanding the production of the original titles of feudal property. He reports a general refusal of dues, and states that officers sent by the *seigneurs* have been imprisoned and threatened with hanging.<sup>3</sup> At Barles, in the Basses-Alpes, the community seized upon the mountain pastures which belonged to the Vicomte d'Alais-Montalet, forbade his farmers to take their flocks there, and withheld payments due to him.<sup>4</sup> In August, at Salon (Bouches-du-Rhône), anti-feudal disturbances were so serious that it was necessary to call out the National Guards of the surrounding communes, and even to bring up regular troops.<sup>5</sup> In September, the municipal officers of Brive (Corrèze) reported serious fermentations in that region, arising from a curious cause. A notary named Viridot was selling titles to the peasants which showed that they owed very much smaller amounts of dues than they had been accustomed to pay. Whether these documents were genuine or not, the municipality declined to say ; it was certain,

<sup>1</sup> Sagnac and Caron, p. 375.

<sup>2</sup> *Ibid.* p. 397.

<sup>3</sup> *Ibid.* p. 656.

<sup>4</sup> *Ibid.* p. 381.

<sup>5</sup> *Ibid.* p. 334.

## 164 THE FALL OF FEUDALISM IN FRANCE

however, that the people were withholding their rents. The *seigneurs* had suggested calling out the National Guard to enforce payment, but "we must warn you, gentlemen, that such a demand may become the germ of civil war; the peasants are too obstinate to give way." There would be ten of them to every guard, and it is certain, moreover, that the latter would refuse to march, for they, also, owe the dues.<sup>1</sup>

The most interesting, perhaps, of all these documents, is a letter addressed to the National Assembly by the *seigneur* of Montaut, near Auch. It describes in detail a typical series of incidents in the war against the châteaux, and at the same time throws a flood of light on the mentality of the feudal class.

The struggle at Montaut began at the feast of All Saints, "the season when the rents are paid." One Joseph Roucau, a mason, cried from the church steps that the inhabitants and tenants were forbidden to pay dues of any kind, on pain of having their houses burnt over their heads. The threat was effectual, for only three dared to pay. The rest, not content with refusing to acquit the rents actually due, withheld all payments of arrears, and persuaded the tenants on other estates to make common cause with them. But the Revolution had put another weapon into the hands of the peasants, by abolishing the privileges of the nobles in matters of taxation. The communities played an important part in fixing the assessments, and to this new engine of war the people of Montaut resorted. They accused Rouilhac, their *seigneur* (whether justly or not we have no means of deciding), of corruptly evading taxation, and then procured the increase of his charges by nearly 1100 *livres*, if we are to accept his own account. The Mayor was terrorised, or professed to be so; judicial officers were threatened; seditious placards were fixed to the church door, and the *seigneur* was told that he

<sup>1</sup> Sagnac and Caron, p. 208.

might consider himself fortunate inasmuch as his château had not been fired. "What is to be done?" wrote the unhappy gentleman. "There is neither subordination nor law in force. . . . Men talk of nothing but hanging and burning; such is the consequence of the anarchy into which we are plunged. . . . What can be hoped for from the municipalities? What is their usual composition? Who is willing to expose himself to be mocked by a cobbler? . . . What can one expect from such persons? They are our tenants, and consequently interested in evading payment; they are all related or bound together by a common interest. . . . Are they not judges and parties? What is to be expected from men without property, education, or morality, who know nothing but violence, and have been reared in rascality? Would not a peasant steal with impunity if he did not fear the rope?" In the attitude of mind revealed by that last sentence we discover the cause of the rural revolutions.<sup>1</sup>

It was in these regions of the South-West that the flame of insurrection burned most fiercely in the summer, as in the previous winter and spring. In the Lot, which included most of the old province of Quercy, the disturbances were particularly violent, the maypoles appeared again, sometimes accompanied by gallows which served as a warning to those who might be weak enough to pay their rents. The Directory of the department issued a proclamation to the people, but without avail. "Here, the municipal officers dared not read this proclamation; there, they were unable to finish it; elsewhere, they could not read it a second time. In one municipality, the priest, after having read it, was forcibly compelled to declare that it was false and did not come from the Directory; in others, the people have returned to the planting of maypoles, that uniform sign of insurrection. . . . In others, again, gallows have been

<sup>1</sup> Sagnac and Caron, p. 392.



erected for whoever should dare to pay rents or collect them." Such a gallows had been put up at the very gate of Cahors, where the Directory sat! The more moderate section of the population contented itself with refusing payment till the titles of the *seigneurs* had been verified; at Aynac, the peasants declared that they repented having paid, because they had since acquired titles which showed that their dues were three times as heavy as they ought to have been. As some compensation, however, they took possession of a meadow which they said had been wrested from them by violence.<sup>1</sup>

Conditions worsened as the winter drew near; the departmental authorities dispatched troops to destroy the maypoles, but they were met with armed resistance. At Saint-Germain-du-Bel-Air, the soldiers found themselves compelled to retreat to Gourdon, pursued with volleys of stones. In December, a veritable peasant army, 4500 strong, led by a noble, one Joseph de Linars, laid siege to Gourdon itself. The town was occupied and the soldiers obliged to surrender their cannon. On the 4th, the peasants, whose numbers had enormously increased, proceeded to devastate the houses of nobles and officials. On the 6th, it was the turn of the monastery of Saint-Clair; on the 7th, the insurrectionary army left Gourdon, but spread through the neighbourhood, pillaging the châteaux as it went. The districts of Cahors and Lauzerte were similarly disturbed, thirty houses or châteaux being attacked in the latter.<sup>2</sup>

The revolt had now reached dimensions which made it impossible for the local authorities to cope with it; in despair, they appealed to the National Assembly. On the 13th, the latter decreed that the King should be asked to send troops to the disturbed area, along with two civil commissioners who would inquire into the causes of the insurrection and suggest remedies for it. Godard and Robin, the two persons appointed to this

<sup>1</sup> Sagnac and Caron, pp. 385 and 661.

<sup>2</sup> Aulard, pp. 120-3.

office, showed themselves to be humane and sensible men, who conceived their mission to be one of conciliation and appeasement. They began the task with a dignified appeal for order; they distributed this to the parish priests, and very wisely asked for their support. Then they arranged for delegates of the peasants to meet them at Gourdon, where, on 11 January 1791 and the succeeding days, the conference was held. Their report on these proceedings is a most valuable document, dealing as it does both with economic conditions and the mental attitude of the agricultural class.<sup>1</sup>

"In some of the villages," says the report, "the rents of 1789 had been paid, and the people were ready to pay those of 1790 if the proprietors demanded them; but in almost all there had been no payment for either year. The peasants, however, did not refuse to pay, but were only willing to do so after the verification of the title-deeds. . . . These words, 'original titles,' were in every one's mouth whenever we mentioned rents. The reason why the peasants so energetically and unanimously demanded the original titles was the excessive rate of the actual rents and the enormous surcharges included in the recognitions. In certain neighbourhoods, we were told, the peasant pays the *seigneur* a third of the harvest, that is, three bushels out of nine, and the extra charges are a half or two-thirds more than the amount stated in the primitive title; the result is that the man who, according to this title, formerly paid twelve quarters of corn is now obliged to pay eighteen or twenty." The peasants held that they had a right to be repaid these immense sums illegally extorted from them, and they justified their refusals of payment and their violent acts on this ground.

The commissioners made particular inquiries as to the planting of the maypoles and their significance. (These

<sup>1</sup> The report is given in full in *Maridal et Laurent*, vol. xxv. pp. 273-309.

emblems seem, indeed, to have caused extraordinary apprehension in governing circles.) The answers to their questions are worth recording. When they mentioned the subject, "the words 'liberty' and 'signs of rejoicing for liberty' were pronounced by all. We asked if it were not believed that when a maypole had been planted for a year and a day, the people were free henceforward from all payments of rent, and if this were not the cause of their universal plantation? The question was negatived with a smile; they could not believe that we really entertained such an idea. They answered that a piece of wood stuck in the earth could no more destroy a title than increase its value or create a new one." It would appear, however, that the commissioners did subsequently meet a "very small number of persons" who cherished this "superstition." "In general," the report concludes, "the idea attached to the maypoles was that of the conquest of liberty; they are ornamented almost everywhere with ribbons, surmounted with a laurel crown or a bouquet of flowers, and bear a civic inscription: Long live the Nation, the Law, and the King! In the whole of the district, there were only three communes whose maypoles bore a sign of insurrection. . . . At Saint-Cirq and Milhac they carried sieves, which had some relation to enfranchisement from rents. At Léobard, the maypole was crowned with a weather-cock taken by the inhabitants from the lord's château. . . . In these three places we were promised that the signs of sedition or disobedience to the law should disappear."

Their inquiries completed, Godard and Robin harangued the delegates as to the benefits conferred upon them by the King and the National Assembly. The tithe, the *corvées*, the salt-tax, the hunting rights, had all been abolished; the *seigneurs* were now their equals before the law, but this must be respected. If they had wrongs to redress, let them proceed in a legal and orderly fashion by means of the courts of justice. This language had an

immediate effect upon the peasants ; they all promised to abandon violent methods, and some even agreed to pay their rents before the titles were verified. " The greater number, we must admit, did not make us this last promise ; they gave as their reasons the enormous restitutions which ought to be made to them, the contradiction that there would be in making payments to their debtors, and the load of poverty under which they groaned, caused by the scandalous overcharges they had supported for so long, and by two years of dearth." The report concludes by an impressive description of the commissioners' methods—" we have acted only by persuasion and the law"—and a defence of them. It should be remembered, they urged, that education was lacking in the rural districts, and that it was better to spread enlightenment than to punish men who were only reacting against the oppression of centuries. They ended with an eloquent plea for a truly national system of education, a plea which, we may note, was not seriously acted upon by the Assembly.

Godard and Robin had checked, though, as we shall see, not extinguished the insurrectionary movement in the Lot ; meanwhile, it had been raging in other provinces. In July, the inhabitants of Néret, near La Châtre, invaded a field belonging to the Abbaye des Pierres, which, they declared, was old common land, and began to reap the corn on it. The National Guard from La Châtre had to be called out to disperse them.<sup>1</sup> Troubles broke out again in Mayenne, in the following months ; the château of Dampierre, near Domfront, and others were attacked by peasants.<sup>2</sup> In Auvergne, the châteaux of Pradt and La Prade were burnt ; at Saint-Hippolyte-du-Fort, in the Gard, a band of armed youths paraded the streets during the nights of 14 and 15 October, tearing down the coats-of-arms from the nobles' houses. At Verfeuil, in the same department, there were refusals of

<sup>1</sup> Bruneau, p. 187.

<sup>2</sup> Duchemin, p. 44 note.

## 170 THE FALL OF FEUDALISM IN FRANCE

rents ; the word went forth that no payments were to be made, and the *seigneur* himself was threatened.<sup>1</sup>

In Périgord, where the revolt had flickered out in March, disturbances began again at the end of May. On the 26th, at Thenon, Joseph de Vayre was attacked by his vassals, "who came," he wrote, "to pillage, insult, and baffle him in his own house." They demanded the refunding of old fines, and the return of guns taken from them.<sup>2</sup> In July, the château of Marqueyssat was attacked and ransacked for arms ; the insurgents feasted on the lord's provisions, and bore away triumphantly the measures used for testing the corn rents.<sup>3</sup> The celebration of the fête of the Federation on the 14th of the same month gave occasion for fresh violence. At Grun and Négrondes, the seigneurial benches in the churches were attacked ; on the 25th, a similar scene occurred at Bourdeille.<sup>4</sup> In the autumn, when the season of the collection of dues approached, the peasants passed to more serious action ; at Saint-Martial, a band surrounded the Marquise de Cherval, demanded the production of the original title-deeds, broke into the château, and carried off the grain.<sup>5</sup> At La Crotte, the scenes of the previous year were repeated, the notice demanding the payment of rents was torn down, and the commander of the National Guard threatened the punishment of anyone who dared to pay.<sup>6</sup>

The year 1791 brought no betterment of the situation. From March onwards, a succession of disturbances occurred in all quarters of the territory. We can best follow them in chronological order.

On 15 March, the mayors and municipal officers of several communes in the Charente reported to Merlin de Douai that "we have perhaps arrived at the moment when authority will be obliged to employ force to constrain the inhabitants of our cantons to pay the feudal

<sup>1</sup> Rouvière, vol. i. pp. 221-2.

<sup>2</sup> *Ibid.* p. 351.

<sup>3</sup> *Ibid.* p. 437 et seq.

<sup>4</sup> Bussière, p. 340.

<sup>5</sup> *Ibid.* pp. 407-15.

<sup>6</sup> *Ibid.* p. 381.

dues." The grievances and demands of the peasants as described in this document are familiar ; illegal increases of rent, the use of false measures, the refusal of the *seigneurs* to produce the original title-deeds.<sup>1</sup> A letter of the 25th from the parish priest of Blandy (Seine-et-Oise) reports that refusals to pay the *champart* are almost certain to occur in his district at the harvest season ; the people suspect that there are no titles, and allege that where the former *seigneurs* were ecclesiastical bodies the tithe was illegally added to the *champart*.<sup>2</sup> In the same month the department of the Creuse informed the Minister of War that anonymous letters were being sent to the magistrates, threatening them if they gave decisions in favour of paying the *cens*. "In almost all the cantons the peasants are refusing payment ; some even announce that they will destroy the person and property of who-soever shall dare to demand of it them."<sup>3</sup> In April, the irrepressible people of the Lot began to stir again ; at Bourg-de-Visa, Miramont, and Saint-Urcisse there were risings in which properties were pillaged and burnt.<sup>4</sup> There were fresh troubles in Brittany also ; at Châteaubriant, "the popular fermentation" was such that the steward of the Prince de Condé had to fly for his life.<sup>5</sup> About Easter, the peasants of the Morbihan were everywhere withholding their dues.<sup>6</sup>

In May, conflicts in these same regions, the Creuse, the Lot, and Brittany, continued. There were riots at Bénévent and Grand-Bourg ; in the latter, chairs and benches were dragged from the church and destroyed ; the walls of gardens were demolished ; the destruction of the château that had formerly belonged to the chapter of Saint-Etienne-de-Limoges was only prevented by the arrival of troops.<sup>7</sup> At Castelnau-Montratier, two nobles,

<sup>1</sup> Sagnac and Caron, p. 413.

<sup>2</sup> Duval, p. 60.

<sup>3</sup> Sée and Lésort, vol. ii. p. 312 note.

<sup>4</sup> Du Chatellier, vol. i. p. 422.

<sup>5</sup> *Ibid.* p. 466.

<sup>6</sup> Aulard, p. 133.

<sup>7</sup> Duval, p. 62.

## 172 THE FALL OF FEUDALISM IN FRANCE

the brothers De Ballud, were besieged in their own house ; one committed suicide, the other was dragged a prisoner to Cahors and hanged by the people.<sup>1</sup> The municipal officers of Saint-Germain-du-Pinel (Ille-et-Vilaine) were obliged to declare that they would regard as " disturbers of the public peace " those who attacked the properties of the former *seigneurs*.<sup>2</sup> In June, in the same department, the iron workers of the forges at Martigné-Ferchaud pillaged and destroyed the châteaux of Bois-Feillet and La Séguinière, which belonged to their employers.<sup>3</sup> In July, there were fresh burnings and devastations in the Lot, notably at Montclar, Saint-Urcisse, and Cahors.<sup>4</sup> The *curé* of Raincheval (Somme) wrote to the feudal Committee that the attempts of the departmental administration to enforce the payment of the *champart* had driven the people to fury ; " the case is urgent, there have been riotous assemblies for more than eight leagues round." <sup>5</sup> Attempts to collect the same due led to revolts and refusals in the Yonne.<sup>6</sup> Troubles in the departments of the Lot and the Creuse continued in August ; a report from the Mayor of La Soultaine in the latter shows that anonymous letters were in circulation which called for an armed assembly to force the proprietors to produce their titles. This assembly actually took place on the 23rd, when the mayors of the participating communes, clad in their official scarves, marched at the head of their people. The rioters were dispersed by troops, and some 80 prisoners, from twelve different parishes, were taken.<sup>7</sup> At Ichy (Seine-et-Marne) the inhabitants repelled by force every attempt to collect the *champart*.<sup>8</sup> A letter from the municipality of Tulle shows that a similar state of affairs prevailed in the Corrèze. The members declare that " their zeal and vigilance can no longer suffice for the

<sup>1</sup> Aulard, p. 136.

<sup>2</sup> *Ibid.* vol. i. 419 note.

<sup>3</sup> Sagnac and Caron, p. 278.

<sup>7</sup> Duval, pp. 63-7.

<sup>5</sup> Sée and Lésort, vol. i. p. 343 note.

<sup>4</sup> Aulard, p. 136.

<sup>6</sup> *Ibid.* p. 465.

<sup>8</sup> Sagnac, p. 413.

maintenance of order in the neighbouring rural districts ; every day the most sacred properties are violated, the fish-ponds pillaged, the monks insulted ; on the pretext of the abolition of tithes and the feudal system, those who demand dues that are not abolished are menaced ; insurrections, rare at first, are rapidly spreading ; the tribunals are forced to resort to temporisings that weaken the laws and encourage licence." <sup>1</sup>

What was the attitude of the National Assembly towards these incessant revolts of the peasants ? The question can best be answered by a short description of its legislation on the subject. On 18 June 1790, it was decreed that the tithe, the *champart*, and all other dues were to be paid in the accustomed manner. This was in answer to demands that money payments might be substituted for those in produce. The same decree forbade " all persons whatsoever to impede the collection of the tithes and *champarts*, whether by writings, speeches, threats, acts of violence or otherwise, on pain of being prosecuted as disturbers of public order." In July, a discussion on certain anti-feudal disturbances in the Seine-et-Marne resulted in a general decree which gave power to the local authorities to requisition troops for use against agrarian insurgents. On 3 August, the Assembly, in a fresh decree, prayed the King " to give the most precise and urgent orders that, throughout the realm, and particularly in the department of Loiret, the courts shall prosecute and punish with the utmost severity all those who . . . oppose themselves by violence, threats, or otherwise, to the payment of tithes, *champarts*, and other seigneurial rights which have not been suppressed without indemnity." The municipalities were to be instructed " to destroy all exterior signs of insurrection and seditious," a provision obviously aimed at the maypoles of Périgord and Quercy. The Assembly's action in December with regard to the upheavals in the last-named

<sup>1</sup> Sagnac and Caron, p. 666.



## 174 THE FALL OF FEUDALISM IN FRANCE

province has already been described. Finally, in June 1791, the legislature called the peasants to order with brutal directness, in a further decree. "It is time," it said, "for the citizens whose industry fertilises the fields and nourishes the empire to return to duty, and render to property the homage that they owe it." After a long exposition of the famous theory of categories, the decree continues: "Thus, there is no more excuse for unjust refusals of payment, and whosoever is guilty of such a refusal must expect to be considered by all as a rebel against the law, as a usurper of the property of others, as a bad citizen and a common enemy." In short, the more vigorously the peasants rebelled, the more determinedly did the Assembly entrench itself in its system.<sup>1</sup>

On some minor points only did it attempt to meet the popular demands. The decree of 19 June 1790 which abolished hereditary nobility also forbade the use of armorial bearings; that of 13 April 1791 ordered the *seigneurs* to withdraw their benches from the churches within two months, and abolished the exclusive right to have weather-cocks on their houses formerly possessed by them.<sup>2</sup> Thus, the honorific privileges of the nobility, so irritating to the peasants, were definitively swept away. But only one concession of economic importance was made. The decree of 14 November 1790 permitted the vassals on Church lands which had become the property of the nation to redeem the annual, separately from the casual dues. This very real benefit was thus confined to a minority of the peasant-class.<sup>3</sup>

The course of events had culminated in a deadlock. The peasants were determined not to acquiesce in the maintenance of the feudal system; the Assembly was equally determined not to modify its policy in any serious fashion. The remainder of this book must be devoted to showing how a solution of the problems was finally

<sup>1</sup> Aulard, pp. 152-7.

<sup>2</sup> *Ibid.* p. 188.

<sup>3</sup> *Ibid.* pp. 173-5.

achieved; but before beginning the last section of our narrative two points of interest remain to be discussed.

M. Aulard has urged that the revolts against payment of the feudal dues which have filled so large a place in our survey of the years 1790 and 1791 were exceptions, very frequent exceptions, but exceptions nevertheless. His view seems to be that the majority of the peasants continued, however grudgingly, to fulfil their legal obligations.<sup>1</sup> To disagree with so eminent an authority is a proceeding of some temerity, and, indeed, as M. Aulard says, the means which would enable us to pronounce a final judgment do not at present exist. Only a tithe of the documents received by the feudal Committee has been printed; many regional historians confine themselves to purely political events and leave these village struggles unmentioned. At the same time, the evidence brought together in these pages, incomplete as it admittedly is, can hardly be held to point to M. Aulard's conclusion. It is apparent that few regions of France were untroubled by the resistance, more or less violent, of the peasants to the maintenance of the feudal system; in some departments that resistance seems to have been practically universal. M. Aulard has certainly shown that the agents of one great nobleman, the Duc de Cossé-Brissac, continued to collect his dues at least until July 1792, but it is obvious from the correspondence which establishes this fact that much resistance was encountered.<sup>2</sup> It seems probable, then, all things considered, that the system of agrarian feudalism was pretty thoroughly undermined by the direct action of the peasants before the State stepped in to complete its overthrow by constitutional means.

One consideration which may be held to point to a different conclusion must, in candour, be mentioned. M. Aulard has proved that on the domains which passed from the hands of the Church to those of the State, the

<sup>1</sup> Aulard, p. 191.

<sup>2</sup> *Ibid.* pp. 192-3.

## 176 THE FALL OF FEUDALISM IN FRANCE

feudal rights were levied, and levied with much vigour, until the complete abolition of feudalism in 1793.<sup>1</sup> But the importance of this fact, considerable as it is, must not be exaggerated. It is difficult to arrive at a trustworthy estimate of the amount of land held by the Church before the Revolution, but the figures quoted above from Loutchisky suggest that it was much smaller than is usually supposed. Only a minority, and probably not a large minority, of the peasants can have been affected by the change of ownership.

Before closing this chapter, we may ask what proportion of the people actually redeemed the feudal dues? The matter has never been systematically studied, and the facts on which an answer can be based are few. Such as they are, however, they possess considerable interest. Many of the purchasers of Church property did redeem the feudal rights which weighed upon it. In the department of the Yonne, during 1791, payments for this object were made of the total value of 33,460 *livres*; from 1 January to 25 August 1792, 44,044 *livres* were received in the same area.<sup>2</sup> From 6 October 1790 to 15 October 1791, the revenue from this source in the district of Aix was 108,000 *livres*.<sup>3</sup> It is probable that the comparative frequency of redemptions on State property was due (apart from the effects of the decree of November 1790) to the fact that much of it was purchased by middle-class townspeople seeking an opportunity for investments, who had both the will and the means to relieve themselves of the feudal encumbrances. But payments to former *seigneurs* seem to have been few. In Provence, some of the communities purchased the feudal monopolies when proper titles were produced, but "apart from this," says M. Viguiet, "the redemptions were null." The Directory of the Bouches-du-Rhône made vigorous but fruitless efforts to persuade the peasants to purchase. When the commune of Istres

<sup>1</sup> Aulard, chap. v.

<sup>2</sup> *Ibid.* p. 185.

<sup>3</sup> Viguiet, p. 262.

sought permission to obtain a loan, this was granted on condition that the first use made of the money should be the purchase of the rights of the former lord.<sup>1</sup> In December 1791, the active citizens of Lourmarin, in the same department, declared that during the twenty-one months which had elapsed since the passing of the decree on feudalism, not a single individual had purchased the dues with which he was burdened.<sup>2</sup> On the other hand, a certain number of redemptions did take place in Berry.<sup>3</sup>

<sup>1</sup> Viguier, p. 261.

<sup>2</sup> Sagnac and Caron, p. 280.

<sup>3</sup> Bruneau, p. 327.

## CHAPTER VII

### THE END OF FEUDALISM

**I**N October 1791 the National Assembly dissolved, and was replaced by the Legislative, the first—and last—Parliament to be elected under the new constitution. It inherited the unsolved problem of agrarian feudalism from its predecessor, a fact of which it was soon made aware by the new avalanche of complaints and protests that descended on it from the rural districts. The peasants would seem to have regained hope when the new body came into existence. It contained none of the members of the old ; it had been elected under the constitution which had been represented to them as the greatest of benefits. From it, some relief, at least, might be expected.

The documents forwarded to the Legislative Assembly or its feudal Committee seldom advance other arguments than those with which we are already familiar ; there is no need, therefore, to analyse them in great detail, but many contain facts and proposals for reform which are worthy of notice. A study of them, moreover, makes it clear that a concerted effort was organised in some areas to bring the pressure of opinion to bear upon the new legislature. Thus we find no less than six letters, written between December 1791 and June 1792, by official bodies or officers of the Bouches-du-Rhône, or rather, of that part of it which is now included in the department of Vaucluse, all protesting against the Constituent Assembly's policy. A group of five letters had its origin

in the Moselle, but one of these is the joint production of six municipalities. In both these instances there is so much similarity between the documents, both as regards phraseology and opinions, that it is difficult to deny the existence of an organised agitation. Again, a petition drawn up by the electors of Châteaubriant, in the Loire-Inférieure, reached the Legislative's Committee on Petitions with an additional paragraph stating that "the undersigned electors and inhabitants of the department of the Corrèze, having taken cognisance of the remonstrance of the district of Châteaubriant, approve the whole of its contents." It seems clear that support had been asked for, and in this case, obtained. No estimate can at present be formed as to the extent and intensity of this agitation, for only a small portion of the documents has been printed;<sup>1</sup> further research into the question is much to be desired.

Turning to the letters and petitions themselves, it will be convenient to begin our analysis with the group from the Bouches-du-Rhône. This includes six documents forwarded by the following communes: Lourmarin, Saint-Saturnin,<sup>2</sup> Villelaure, Puivert, La Tour-d'Aigues, and La Motte-d'Aigues.<sup>3</sup> The inhabitants and municipal officers of all these places are heartily in agreement as to the inadequacy of the existing laws on the subject of the feudal rights; they criticise the Constituent Assembly vigorously, and put forward concrete proposals for reform. "There exists in our new laws a vice, striking but unrecognised, cursed but eluded, which restricts the energy of the rural districts, and will be an eternal cause of the slavery of their inhabitants so long as they are not delivered from it. Do not hope

<sup>1</sup> Sagnac and Caron, p. xxii.

<sup>2</sup> An additional paragraph to this letter states that the citizens of Gargas adhere to its proposals.

<sup>3</sup> A petition, identical in terms with this, was sent from Cabrières-d'Aigues. See Sagnac and Caron, p. 448 note.

## 180 THE FALL OF FEUDALISM IN FRANCE

to see liberty take root and fructify so long as feudalism dominates. . . . We dare to assure you that if the Assembly do not permit us to redeem the fixed rights separately from the casual, the people subjected to this frightful system will be dead to liberty in a thousand years from now. . . . Almost all the constituent body was composed of men chosen from the towns . . . and the country, ravaged by *tasques*, *champarts*, *agriers*, *lods*, *cens*, *seigneurs*, agents, rent-farmers, guards, was forgotten. No one spoke on its behalf. Legislators, it is this all-powerful cohort which still holds the country people in chains ; it is these ex-lords, their farmers and agents, who, allied with the non-juring priests and fanatics of all kinds . . . kill the revolutionary zeal of the simple and ignorant peasants by making them foresee and fear the return of the ancient order of things, and with it, the limitless revenge of the *ci-devants* on those who have taken the side of the commonwealth. . . . The destruction of the feudal system will be a death-blow to the aristocrats ; it is with the hope of re-establishing it that they emigrate, conspire, and agitate in every way.”<sup>1</sup> Mention of the emigrant nobles appears in other letters. “The return of these despots, who for two years have breathed the air of Germany, Sardinia, Spain, and Italy, so fatal to liberty, presages vexations, injustices, interminable chicanery, and ruinous law-suits.”<sup>2</sup> “We no longer have a *seigneur*, he is at Coblenz ; he has left behind an agent, and a farmer who harasses and inquietus us as before the Revolution.”<sup>3</sup> The greatest emphasis, however, is laid on the insufficiency of the decrees of 1790. “The Constituent Assembly . . . overthrew the monuments of servitude and despotism which covered the soil of the French empire ; it cut off at the foot the great tree of feudalism which overshadowed the countryside, but the roots remain and may

<sup>1</sup> Sagnac and Caron, pp. 280-1.

<sup>2</sup> *Ibid.* p. 279.

<sup>3</sup> *Ibid.* p. 296.

throw out new branches. Our descendants, when they read in our sublime constitution that the feudal system is abolished, will be surprised to find its traces everywhere. . . . The defenders of feudalism have established a system, evidently contrary to the spirit of the law, which may be adopted by the tribunals and will render the feudal system indestructible. They pretend that all the clauses of a primordial title are correlative and inseparably bound up with one another; and they conclude that it is sufficient for a monopoly to have been established by an act which mentions a concession of land or of rights of usage for it to be an appendage of those concessions, and, as such, excepted from suppression. Whence it follows that the monopoly, which is one of the most personal of servitudes and weighs most heavily upon the people, becomes indestructible, because the monopolies are all established by primordial titles.”<sup>1</sup> “We believed ourselves free in our properties as in our persons after the decree which suppressed the feudal régime; the experience of two years has proved to us that we are still slaves.”<sup>2</sup>

The principal reforms demanded by the inhabitants of this group of communes are as follows: (1) Liberty to redeem the annual dues, such as the *tasques* and *cham-parts*, separately from the casual, such as the *lods et ventes*; (2) the casual dues to be purchased collectively by the communes; (3) the proprietors of houses not to be obliged to redeem the casual dues, but only the annual *cens*; (4) in communes where the inhabitants pay *tasques* or similar rights, the feudal monopolies to be suppressed without indemnity.

The group of documents from the Moselle contains five letters which express the views of ten municipal bodies. MM. Sagnac and Caron mention the existence of two other petitions from the same region, which brings

<sup>1</sup> Sagnac and Caron, pp. 292-3.

<sup>2</sup> *Ibid.* p. 293.



## 182 THE FALL OF FEUDALISM IN FRANCE

the total of protesting communities to twelve.<sup>1</sup> These protests from Lorraine do not differ fundamentally from those of Provence; both groups agree in denouncing the work of the Constituent as ill-done, and as having deceived the expectations aroused by the decree of 4 August; they agree also in the declaration that redemption is impossible on the lines laid down by the law. There is the same insistence, too, on the fact that unless the Legislative acts, and speedily, feudalism will be perpetuated and the support of the peasants lost to the Revolution. But it will be best to let the communities speak for themselves.

"The legal disputes occasioned by the law of the 15th March 1790 are innumerable," say the inhabitants of Guerstling; "they ruin all proprietors who owed feudal dues. These odious rights appeared to be abolished by the famous decree of the 4th August 1789, now they flourish more than ever. Formerly, they were only doubtful, now they become certain, since the proprietor is obliged to prove that they are not derived from a concession of land. But the proprietor, who has never been the holder of the lord's titles, finds it impossible to furnish proof of the contrary. All verdicts are consequently given in favour of the former *seigneur*. . . . The greatest disorders are the result; public spirit evaporates, the love of country diminishes, the payment of taxes falls off, especially the land-tax, which, because of these rents, dues, *champarts*, third pennies, and other feudal rights, proven or non-proven, is so neglected that it finds insurmountable hindrances in every municipality." <sup>2</sup>

"Legislators, we know no sovereign to-day but the nation, which alone has the right to impose pecuniary and other charges upon us; its needs are ours, and we hasten zealously to supply them. Uproot by a salutary law the remains of ancient despotism, which consist particularly in rents and other rights not founded upon authentic

<sup>1</sup> Sagnac and Caron, pp. 309 and 312 notes.

<sup>2</sup> *Ibid.* p. 307.

titles, which will always remind us of our old state of servitude." <sup>1</sup>

A document signed by the representatives of six municipalities is perhaps the most interesting, certainly the most eloquent of all. It is worth quoting at some length.

" Yes, Legislators, under the reign of liberty, feudalism exercises its empire and its ravages with more audacity than ever ; the law of March 1790, it is true, reserved to the vassal the right of proving that the rights with which he is charged are not the price of a concession of land. But the means of furnishing this proof ? Have the tyrants who for so long have desolated and withered the human race ever had other titles than force and despotism ? Past generations were witnesses of the violence by which these rights were established, and if they rose from the tomb they would bring proofs of the feudal despotism whose first victims they were. But we who know the tyrannical origin of these rights only by tradition, we have no other titles to prove their injustice than the history of their vexations that our ancestors have transmitted to us.

" Legislators, we have sworn to live free or die ; we have not taken this oath in vain. We demand complete liberty, not only for our persons but for our properties. Tear up the roots of the feudalism that the law of the month of March wished to preserve ; its yoke grows more insupportable to us every day. Increase our taxes, but free our lands from these servitudes which wound the pride of a free people. . . . For four years scarcely any of the dues have been acquitted. The enemies of our freedom witness the cultivator's security with an evil joy ; they see his debts accumulate, they will press for them in the circumstances they consider most favourable, and what neither their intrigues nor their seductions have been able to accomplish up to the present, they flatter

<sup>1</sup> Sagnac and Caron, p. 309.

themselves his poverty or his discontent will achieve, and will lead him back to the chains he has broken.”<sup>1</sup>

The programme of reforms put forward by these communities of the Moselle differs from that of the Bouches-du-Rhône ; there is no question of the separation of the annual from the casual dues in the scheme of redemption, or of the feudal monopolies. What they demand is that the law of March 1790 be amended so that the onus of producing a proper title shall be placed upon the *seigneur*, and that the redemption of rights legally justified be undertaken by the State. The peasants in 1789 had, as we have seen, only envisaged individual enfranchisements; hard experience had evidently converted those of Lorraine and Provence to a collective operation, whether national or communal.

From the extreme East we may turn to the West, from the Moselle to the Loire-Inférieure. The demands of the district of Châteaubriant strike a much more radical note than any we have heard hitherto, for they amount to nothing less than the suppression of the feudal rights *en masse* and without indemnity. The argument put forward is simple and sweeping. “The feudal rents are the fruit of tyranny”; they were violently imposed by the strong upon the weak in an age of anarchy. No lapse of time can sanctify usurpation, “an iniquitous law can never prescribe against the rights of man.” Unjust in their origin, these rights were not transmissible. If anyone has a claim to compensation, it is the unhappy vassals who have supported them so long. “If these so-called lords dare to claim an indemnity, we shall reply to them: You obtained it, this indemnity, in immunity from the hearth-tax that you ought to have shared with us, the burden of which you threw upon us, with a most shameful perfidy, for more than a hundred years; you obtained it in the unjust partition that you made of other public charges; you obtained it in the privileges

<sup>1</sup> Sagnac and Caron, p. 311.

that you arrogated to yourselves to the detriment of the people, in the pecuniary exemptions that you extorted for your persons and your properties to the oppression of the people, in the franchises that you enjoyed, you and your servants, in contempt of the justice and equality established by Nature; you obtained it in the pensions that burdened the people and exhausted the finances, in the exclusive right of possessing lucrative offices and employments in which we should have served the State much more usefully than you; you obtained it by the sale of the woods that our fathers planted on the commons that you usurped, by the exorbitant fines that you demanded when we were forced to lease from you lands that were our own. . . ."

Even if compensation were just, the peasant is unable to provide it; if he redeemed the dues he would only make bad worse. "Must the unhappy vassal sell one half of the little heritage of his fathers to free the other from slavery and oppression? But to whom could he sell this portion of his patrimony? To the so-called lords, to those ancient tyrants; they alone, by the redemption of the feudal dues, will become the depositories of all the money in France, and will concentrate all its riches in their hands. By that means, they will treble their proud opulence; by that means, they will extend their possessions and render themselves masters of all property; by that means, they will aggravate the yoke of ancient servitude under which our fathers groaned, and for which we still blush to-day."<sup>1</sup> That these revolutionary views found favour elsewhere than in Brittany is shown by the cordial approval given to this passionate piece of denunciation by 162 citizens and electors of the Corrèze.

Three documents from the South-West (two from the Lot-et-Garonne and one from the Gironde) expose views very similar to those put forward by the municipalities

<sup>1</sup> Sagnac and Caron, pp. 286-9.

## 186 THE FALL OF FEUDALISM IN FRANCE

of the Moselle. They demand, in the first place, a justification of the seigneurial rights by the exhibition of adequate titles ; and, secondly, the collective purchase of legal rights by the nation.<sup>1</sup> It is worth noting, in passing, that the inhabitants of Fumel (Lot-et-Garonne) declare that scarcely any rents have been paid for three years. A petition from the Loiret sets out a much more detailed list of suggestions for reform, which seems, as we shall see in the sequel, to have had a very real influence on the work of the Legislative. The reforms proposed are as follows : (1) The casual rights to be suppressed without indemnity ; (2) all *seigneurs* to be called upon to justify their rights by the production of original titles within two months, failing which, they lose all claim to them ; (3) proprietors of rights of *champart* to collect their share of the harvest themselves ; (4) until all titles have been produced and verified, all legal processes on the subject to cease ; (5) *seigneurs* who are found to have levied dues without adequate title, to refund them for twenty-nine years.<sup>2</sup> Other documents that we possess, from the Basses-Pyrénées, the Charente, Calvados, and the Var, present no special features, and need not, therefore, be examined in detail.

We find, then, in the early months of 1792, not only general discontent with the decrees of the Constituent Assembly, but a vigorous attempt to bring moral pressure to bear upon its successor. The peasants formulate their demands with increased precision, and stress the injury done to the cause of the Revolution, menaced as it is, both at home and abroad, by the continuance of agrarian unrest.

But, as in 1791, large sections of the peasants were not content with moral pressure, with petitions and remonstrances ; of these they evidently thought there had been enough. They betook themselves to action instead. It

<sup>1</sup> Sagnac and Caron, pp. 297, 300, and 303.

<sup>2</sup> *Ibid.* p. 315.

is a sign of the growing popular exasperation that the deeds of violence committed at this period were more serious in character than most of those of the two preceding years ; the rioters no longer burn church benches but châteaux. Scenes similar to those of 1789 were enacted in several provinces.

Disturbances in the Lot began again with the new year ; indeed, they may be said never to have ceased in that stormy region. In January, February, and March, six châteaux were destroyed or pillaged ; there were, moreover, riots at Figeac, Souillac, and Lauzerte. In April, conditions seem to have worsened. A letter from the Directory of the department describes the district of Figeac as a prey to fresh disorders. All the houses of ex-nobles have been burnt, pigeon-cotes have been forcibly destroyed, and all the country houses of any importance threatened. Another report from the same body declares that the inhabitants of the rural parishes have organised, marched (with the municipal officers at the head of them) on the houses of the former *seigneurs*, the rent-farmers or tithe-owners, and have " forced them to repay the rents and tithes of 1789 and the arrears for twenty-nine years." The Directory was obliged to send commissioners to pacify the people.<sup>1</sup> Towards the end of March, the district of Aurillac, in Auvergne, was swept by a band of National Guards, who passed from manor-house to manor-house, burning and destroying as they went. This participation in insurrection of the authorised defenders of order was a serious sign.<sup>2</sup> In the department of the Gard, the war was carried on with unparalleled violence. On 1 April, the châteaux at Aubais, Aujargues, and Gallargues were sacked ; at the last-named place the National Guards showed sympathy with the incendiaries. On the 2nd, seven châteaux were attacked, and it is interesting to note that at Souvignargues the peasants threatened to hang anyone who used the oppor-

<sup>1</sup> Aulard, pp. 137-8.

<sup>2</sup> Serres, vol. iv.

tunity to steal. On the 3rd and 4th, twelve more manor-houses went up in flames. All this, it must be observed, was in a single district of the department. In others, similar occurrences took place; there were many cases of forced renunciations of rights, and the National Guards were active on the side of the insurrection. In the district of Beaucaire, at Montfrin and other places, the peasants seized upon and distributed lands which belonged to former nobles.<sup>1</sup> The movement ran like wildfire all over the department throughout the greater part of April; the historian of these events notes that the names of its leaders were "generally those of the most substantial men in the neighbourhood."<sup>2</sup>

Harassed by petitions, its authority threatened by insurrections which recalled by their violence the wild summer of 1789, the Legislative Assembly was at last compelled to act. Unless France, menaced as it was from without, was to fall a prey to anarchy within, some real concessions must be made to the demands of the peasant class, without the support of which the Revolution could not hope to triumph over its enemies at home and abroad. The Legislative, following the example of its predecessor, had appointed a feudal Committee, and this, through the mouth of Lantour-Duchatel, reported on 11 April 1792. This report initiated a series of debates which culminated in a decree, passed on 18 June. The dominant note in these discussions was struck by Dorliac, of the Haute-Garonne; for him, the feudal rights were the fruit of usurpation, due to the sovereignty which the lords had acquired by force.<sup>3</sup> This doctrine reversed entirely the system on which the National Assembly had based its legislation; the decrees of 1790 had assumed the legitimacy of the feudal dues, certain minor exceptions apart, and had placed on the vassal the onus of showing that they were unjustified and illegal. In the debates of

<sup>1</sup> Rouvière, vol. ii. p. 207.

<sup>2</sup> *Ibid.* vol. ii. p. 283.

<sup>3</sup> Sagnac, p. 139.

the Legislative this point of view found few defenders ; it was rather the practical details raised by its reversal which were in question. But above all such issues loomed the urgent necessity for action. The national interests were in conflict with those of a privileged minority ; if the second prevailed at the expense of the first, the Revolution was lost and France with it. " It is not a question," cried Oudot, " of considering the interests of a few individuals, but of the destiny of a whole people." " The former *seigneurs* will complain," said Mailhe, " but of what do they not complain ? You will be absolved by the benedictions of ninety-nine hundredths of the present generation and those of generations to come." <sup>1</sup> Driven on by such considerations, the Legislative struck first at the casual dues.

The opening article of the decree declares that " all casual rights, and all those representative of them, known by the names of *quint*, *requint*, *treizième*, *lods et ventes*, *milods*, *rachats*, reliefs . . . *acapte*, *arrière-acapte* . . . , which are levied because of mutations of property, or the possession of land, on the buyer, the seller, the donors, the heirs . . . are, and remain, suppressed without indemnity, unless the said rights are proved, by the primitive title of infeudation, to be the price and condition of a concession of the lands for which they were levied, in which case the said dues shall continue to be collected and to be redeemable."

This provision made an immense breach in the edifice laboriously erected by the National Assembly in 1790. The situations of *seigneur* and vassal as fixed by the earlier decrees were completely reversed. It was no longer the debtor but the creditor who was compelled to justify his rights, and to justify them by the original documents. The peasants had gained their cause at last ; recognitions, perhaps extorted by violence and chicanery, were no longer to suffice. Feudalism was put upon the

<sup>1</sup> Sagnac, pp. 140 and 142.



## 190 THE FALL OF FEUDALISM IN FRANCE

defensive, thrust into a position where its ultimate extinction was inevitable.

The other articles of the decree need not detain us ; for the most part, they were devoted to regularising the position of those who had purchased land from the nation, which was burdened with casual dues. The last clause, however, is of some importance, as it put a stop to all lawsuits actually in progress which had arisen from disputes over the class of rights now abolished without compensation.

The pressure of events prevented the Legislative from following up its work immediately. But a few days after the revolution of 10 August had decided the fate of the monarchy, it fell furiously to work again, and, by its decrees of 20 and 25 August, struck two more deadly blows at feudalism.

These decrees contain some fifty clauses, and only a summary analysis can be given here. That of 20 August included the following important provisions : (1) The annual rights could henceforward be redeemed separately from the casual when these had been proved legitimate, that is, as arising from a concession of land, by the exhibition of the original title. The casual rights could also be redeemed separately from one another ; (2) holders of land could call upon the proprietor of either class of rights to prove their legitimacy by producing his title. If he failed to do this within three months of the summons the holder was enfranchised from them in perpetuity ;<sup>1</sup> (3) proprietors of land burdened with the *champart* or dues similar in character, or with infeudated tithes, could demand their conversion into a fixed annual rent in corn. The amount of this was to be decided by arbitrators on the basis of the average yearly production of the land in question ; (4) all solidarity in payments was abolished without indemnity, even for arrears of dues. Henceforward, any one of the co-debtors would be free

<sup>1</sup> Cf. this clause with the demands of the Loiret, p. 186 above.

to redeem himself at will, irrespective of the action of his fellows ; (5) for the future, there would be prescription of arrears of feudal rents of all species after five years ; those who owed arrears for the years 1789, 1790, and 1791, could free themselves by three successive annual payments.

It will be seen that this decree instituted some important reforms, both in regard to the feudal rights and the manner of their redemption ; still, it cannot be said to have gone to the root of the matter. Had the legislators held their hands at this point, the lot of the peasant class as a whole would have been improved, and its wealthier members would have been helped to liberate their lands ; but agrarian feudalism would still have remained a powerful influence in the economic life of France. To that condition of affairs it was certain that the peasants would not submit. Having gone so far, the Legislative was inevitably driven to go farther.

The decree of 25 August was passed under a motion of urgency, but there is nothing vague or indefinite about its provisions. Its very preamble strikes a revolutionary note. "The National Assembly, considering that the feudal system is abolished, that nevertheless it subsists in its effects, and that nothing is more urgent than to cause to disappear from French territory those vestiges of servitude which cover and devour properties . . . decrees as follows." The articles of the law did not contradict this statement of motives ; they did for the annual dues what the measure of the previous June had done for the casual. Their principal effects may be summarised thus : (1) All landed property was reputed free from feudal claims unless they could be shown to originate in a concession of land ; the effects of the maxim "No land without a lord," in so far as they were expressed in statutes, customs, and rules, whether general or particular, were to cease to exist. As a necessary consequence, (2) all feudal rights were declared

## 192 THE FALL OF FEUDALISM IN FRANCE

abolished without indemnity unless they could be clearly proved to derive from a concession of land, such proof to be the production of the original title. (3) All acts of enfranchisement from *mainmorte*, *bordelage*, and *quevaise*, together with all dues replacing such servitudes, were revoked and annulled without indemnity; all lands ceded by communities or individuals as the price of enfranchisement from such tenures still in the hands of the former lords were to revert to those who had ceded them, and no sums of money, promised for the same purpose but not actually paid at the date of the decree, could be demanded in the future; (4) rights justified by the original titles were to remain redeemable; (5) arrears of dues suppressed without indemnity were not to be collected, and all civil processes in progress relating to such dues were brought summarily to an end.

The wheel had swung full circle; the policy of the first revolutionary legislature was completely reversed. Unless the *seigneurs* could produce evidence, which the mass of them probably did not possess, to justify their rights, those rights were pitilessly swept away without compensation or relief. The expression "a St. Bartholomew of property" has been applied to the decree of 4 August 1789; it would be much more appropriate to that of 25 August 1792. In the three years which separated the two decrees, France had moved fast and far, as the provisions of the second sufficiently prove. The Revolution had ceased to be predominantly political and administrative, and had become what the peasants from the first had wished it to be, namely, social. In that torrid and blood-stained August, not only a monarchy but a social order passed definitively away.

We may, perhaps, import a touch of fancy into the history of this conflict and look at it from another standpoint. The victory of the system of the Legislative—which was also the system of the peasants—over that of the Constituent Assembly, might not unfairly be described

as a victory of the written, the Roman law and jurisprudence, over the feudal and customary. The decrees of 1790 were, in fact though not in words, based on the legal maxim, "No land without a lord"; freedom from seigneurial obligations was to be the exception, servitude of the soil the rule. The legislators of 1792 abolished that maxim and its consequences; the effect of their decrees was to make the counter-maxim of the written law—"No lord without a title"—the common rule. Once more Rome triumphed over the barbarians, the Gallo-Roman took his revenge upon the invading Frank. France, in her hour of need, was presently to revert to those political forms which are as old as our civilisation—the Republic and the Dictatorship; that reversion was already foreshadowed in the victory of the Roman jurisprudence.

With one subject the decrees of 20 and 25 August did not deal, that is, with the still burning question of the common lands. The omission was speedily supplied. On the night of the 28th, Mailhe proposed a measure which was straightway carried.<sup>1</sup> It was as drastic as its predecessors. The article of the ordinance of 1669 which had authorised the *triages*, as well as "all edicts, declarations, Orders in Council, and letters-patent," subsequently rendered, were repealed; if the properties of which the communes had been dispossessed were still in the hands of the *seigneurs*, they could be reclaimed within five years without indemnity. In the same way the communes could recover any property in rights of usage of which they had been despoiled unless the lord were able to show that he had acquired them by legal purchase. Further, even if the communes could not prove that they had formerly owned any commons, wastes, or *landes* which might exist within their borders, they could now claim ownership of them unless the former

<sup>1</sup> For the history and text of this decree, see Bourgin, p. 398 et seq. Kropotkin's account, p. 418, is in error on this point.

## 194 THE FALL OF FEUDALISM IN FRANCE

*seigneur* were able to show an adequate title, or prove that he had been in peaceable and uncontested possession of them for forty years. The history of the application of this decree and its economic results has not yet been written ; if the village communities used the opportunity it gave them to any considerable extent, serious inroads must undoubtedly have been made upon seignorial property.

The feudal system was in ruins ; M. Aulard's estimate that a quarter of the rights remained in existence is a generous one. The drastic character of the new legislation, and the real improvement that it caused in the peasant's lot, is shown by the almost complete cessation of disturbances in the rural districts. The peace was not absolute, however ; a letter from the Directory of the district of Gourdon, dated 5 December 1792, shows that the stubborn men of the Lot were still carrying on the agrarian war. " The woods of the former *seigneurs* of Vaillac and Saint-Chamerand have been devastated and cut down ; those of the Sieur Durfort, in the commune of Saint-Germain, are ravaged daily, and the brigands have even seized the château of Sept-Fons, demolished the barns, and threatened that when this operation is finished they will lay hands upon the houses and properties of other rich citizens of this canton. . . . We fear lest the evil go from bad to worse, and the wrong-doers, finding themselves in force, prepare insurrections similar to those of 1790." <sup>1</sup> It seems probable from the wording of this document, that the peasants were attacking, or threatening to attack, bourgeois landowners as well as ex-nobles. A letter written by Garat, the Minister of Justice, and dated 21 December, suggests that the troubles were not confined to the Lot. " Feudalism is abolished," it says, " but while proscribing this odious régime, the nation has not yet destroyed all the traces left behind by this monstrous abuse. A profound sense

<sup>1</sup> Aulard, pp. 139-40.

of the injustices they have suffered exists in the hearts of the rural masses, and culpable conspirators profit by these resentments, that time alone can efface, to remind them of the prosecutions they have undergone for alleged breaches of the game laws, the guns that have been taken from them, the fines to which they have been unjustly condemned, the sums of money extorted from them . . . the public ways invaded, a host of other usurpations committed, in a word, of the vexations of all kinds to which the most precious citizens of the Republic were too long exposed." The agitators are stirring up the peasants to seek recompense by violent acts. "These perfidious insinuations have been only too successful; already, on the pretext of indemnifying themselves for the wrongs they have suffered, ancient victims of feudalism are rising and committing outrages. Already, from several parts of the Republic, complaints are heard."<sup>1</sup>

It is extremely likely that the peasants, being rid of the greater part of the feudal burden, were all the more irritated against that which remained. In any case, during the great crisis of the summer of 1793, the Convention found it necessary to make a supreme effort to rally the rural populations to the defence of the Republic. France was at war with all the neighbouring powers; foreign armies were on her soil; civil strife of a particularly atrocious character was raging in La Vendée. At any cost, the support of the peasants had to be obtained.

The first step was taken on 10 June 1793 in the decree which provided for the distribution of the common lands among the inhabitants of the communes. With the main provisions of this law we are not here concerned, but we may note that it extended and made more drastic the effects of the decree of August 1792. All common lands and properties of whatever description were declared to belong to the communes in which they were situated. Possession for forty years by a former

<sup>1</sup> Sagnac and Caron, p. 777.

## 196 THE FALL OF FEUDALISM IN FRANCE

*seigneur* was no longer to be a sufficient title for the ownership of old commons, nor could a title emanating from feudal power be accepted. Only an authentic act of purchase was to be held legitimate.

On 17 July, the Convention passed another decree which completed the destruction of feudalism. "All dues formerly seigneurial," said the first article, "feudal rights whether fixed or casual, even those maintained by the decree of the 25th August last, are suppressed without indemnity." All legal processes, whether civil or criminal, arising from a question of feudal rights, were summarily quashed. The very name and memory of feudalism was to be destroyed, and to this end all persons who held documents relating to the dues were ordered to hand them over to the communal councils, who were to have them burned in public. The punishment for failure to comply with this order was to be five years' imprisonment in irons.

It is curious that little should be known of the history of a measure so drastic and so important. It was scarcely mentioned in the newspapers of the time. M. Aulard has recently brought to light the few ascertainable facts in regard to it. On 3 June, it would appear, a member (whose name remains unknown) proposed that the Convention should pass "a general law to complete the destruction of feudalism." The Committee on Legislation agreed to make a report on the subject within a fortnight, but failed to do so. On 15 July, Isoré proposed the burning of feudal documents. Two days after, Charlier reported on behalf of the Committee, and introduced a measure which was immediately passed. Of the discussion, if any took place, no account has been preserved. Thus, in a strange silence, the Convention threw the last sods into the grave of a social system.<sup>1</sup>

The article which ordered the destruction of feudal documents seems to have been fairly generally carried

<sup>1</sup> Aulard, pp. 453-5.

out, though, fortunately for students of history, large numbers of them escaped the fiery ordeal. The Abbé Uzureau published an interesting pamphlet a few years ago which describes in detail how the work of destruction was carried out at Angers. There, in a succession of burnings, the last of which took place on 27 February 1794, an immense quantity of titles, registers, and similar papers were given to the flames. After that date the municipality continued to receive such documents, but preserved them.<sup>1</sup> At Louhans (Saône-et-Loire) two municipal councillors were instructed to search the archives for all feudal deeds and papers "to be burned in a bonfire, at a fête organised for the occasion." On 8 November 1793, the citizen P. M. Guerret attended a meeting of the *Société populaire* and deposited "all the deeds which he possesses concerning feudalism, such as manor-rolls, recognitions . . . and other documents of that kind"; his example was followed by several other persons. When the appointed day arrived, the municipality, the members of the society, and a crowd of citizens of both sexes, marched in procession with effigies of the Pope to an open space where the flames speedily consumed "all the deeds, papers, and rags of feudalism," together with "the vile attributes of fanaticism and sacerdotal playthings." The crowd cried, "Long live the Republic! Long live the Mountain!" while men and women danced the Carmagnole around the bonfire. Similar burnings took place in most of the communes of the district.<sup>2</sup> The municipality of Marolès (Auvergne) destroyed "the titles of feudalism" on 8 December 1793,<sup>3</sup> and at Mirécourt (Vosges), the public executioner solemnly burnt them at the foot of the tree of Liberty on 19 April 1794.<sup>4</sup>

There seems to be no doubt that the Convention's

<sup>1</sup> Uzureau (F.), *Les brûlements d'archives à Angers*.

<sup>2</sup> Guillemaut, vol. ii. p. 244.

<sup>3</sup> Serres, vol. iv. p. 121.

<sup>4</sup> Bouvier, p. 222.



## 198 THE FALL OF FEUDALISM IN FRANCE

decree overshot the mark at which it was aimed. It had been expressly laid down that rents other than feudal were excluded from its operation, but when the law came to be put into force many ordinary leases of land were destroyed. Landlords had often been in the habit of making some charge on mutation part of the rent of a piece of land, or the same title included both feudal and ordinary rents. In such cases, the tenant suddenly found himself endowed with the ownership of a property to which he had never put forward a claim, and a good deal of hardship seems to have been caused in this way to innocent persons.<sup>1</sup> The Committee on Legislation vainly endeavoured to persuade the Convention to provide for such hard cases ; its project of a decree was rejected.

After July 1793, feudalism was entirely dead in France. Under the Directory and the Consulate there were proposals to amend the law, but all these efforts failed. They were only intended, in any case, to restore to the State lands belonging to it which had passed into private ownership, owing to the confusion mentioned above. Neither under Napoleon nor the Restoration was there any serious attempt to restore the *seigneurs* to their ancient economic privileges. That chapter of French history was for ever closed.

Certain conclusions impose themselves on the mind as the result of a study of this episode in the history of the Revolution. They are presented very briefly for the reader's consideration. First, that the primary cause of revolutions is the survival of institutions, whether political or economic, which no longer fulfil their original function. All institutions are created to meet some need, to answer some purpose ; when we speak of " growth " in this connexion, we use a dangerous and deceptive term. Institutions do not grow, they are made ; the history of any society is a record of their creation, destruction, and re-

<sup>1</sup> Sagnac, p. 147 ; Aulard, pp. 256-7.

placement. They are made because men feel a want, a need, which demands positive satisfaction. But it is in the nature of things that all such social creations should outlive their utility and "linger superfluous on the stage." Then they begin to press upon the social organisation, to impede its growth and hinder its development ; it must free itself or perish. If society has evolved machinery whereby its institutions can be easily altered, and if no vested interests or prejudices are concerned in the maintenance of that which has become functionless, then all is well ; the work of replacement will be peaceably accomplished. But it is also in the nature of things that such a fortunate conjunction of circumstances seldom occurs. Interests, whether sentimental or economic, are almost always bound up with the life of a piece of social machinery, and if they happen to be powerful and tenacious, a revolutionary situation is engendered. Either the forces of liberation and renewal will burst the barriers with more or less of violence, or those of immobility will triumph, and decay will invade the whole social body.

Such was the situation in France in 1789. Feudalism had had a long and not inglorious history. After the collapse of the Roman dominion it had saved society from dissolution. When the immense and burdensome despotism of the Empire had fallen of its own weight, the only possible bond whereby men could be held together in any sort of co-operation was that of personal and local loyalty. But this principle inevitably engendered abuses in its turn ; after despotism came anarchy, in which the very idea of the State, of large-scale political organisation, tended to disappear. The monarchy rose to power on the ruins of the feudalism it had been compelled to combat, but once its victory was complete and its authority unquestioned, it abandoned its task and sank into that quiescence which is the forerunner of decay. When the new forces in French society had reached maturity, a conflict was inevitable ; men had outgrown the absolute

## 200 THE FALL OF FEUDALISM IN FRANCE

monarchy as they had outgrown the agrarian system, and both the Crown and the feudalism it had spared were shattered into utter ruin.

"The popular sense of right may often be wiser than the opinion of statesmen."<sup>1</sup> This maxim of a brilliant political thinker finds full confirmation from the history of the revolutionary legislation concerning feudalism. The secular ideal of the French peasant was the liberation of the land and the achievement of civil equality;<sup>2</sup> to him these things were fundamentals, beside which any other reforms were of small importance. Moreover, they were, he felt, inseparably linked together. His instinct, the product of long ages of enslavement to the glebe, was profoundly right; he could not have formulated Harrington's great first principle of political science, but he felt its truth in his bones. "If the whole people be landlords, or hold the lands so divided among them, that no one Man or number of Men, within the compass of the Few or Aristocracy, overbalance them, the Empire (without the interposition of force) is a Commonwealth." The land to him meant liberty, for he knew that without it things and men might be called by new names but would still be the same in fact. Even as to practical details of politics his ignorance was better than the wisdom of the wise. He wished to break up the monastic estates, but he was not concerned to turn his *curé* into an official; he knew that to make redemption of the casual, along with the annual, dues compulsory, was to render the whole scheme of enfranchisement impossible of application. But, above all, he knew that oil and water cannot mix, that feudalism was incompatible with liberty and equality, and however limited his vision of these things might be, he understood their concrete realities much better than the earnest reformers who prescribed for him from Paris. Time, which judges all human things, has proved him in

<sup>1</sup> Laski (H. J.), *Political Thought from Locke to Bentham*, p. 266.

<sup>2</sup> Cf. Hanoteaux, work cited, p. 397.

the right. Governments have come and gone ; France has changed from Republic to Empire, from Empire to Monarchy, from Monarchy to Republic again, but two things have never changed : the peasant's grip upon French soil, and the rule which makes all Frenchmen the subjects of an equal law.

## APPENDIX

TO avoid overloading the text with citations a number of extracts from the *cahiers* dealing with the feudal rights are brought together here. They are taken entirely from the petitions of rural communities and small country towns in the following provinces : Angoumois, Berry, Brittany, Champagne, Languedoc, Lorraine, Normandy, Orléanais, Provence, and Quercy.

*Acigné*.—For the future, the *seigneurs* shall be forbidden to lease out any commons, and all such leases made during the last fifteen years shall be annulled.

*Aigny-sur-Marne*.—The inhabitants of Aigny have the honour to demand :

(1) That hunting and fishing shall be permitted to any person on his own property, game and fish having been created by the author of Nature for the subsistence of all men.

(2) That no *seigneur* shall be permitted to establish rabbit warrens, and that those already in existence shall be destroyed, the animals which inhabit them being infinitely injurious to agriculture and consequently to the common weal.

(3) That all *seigneurs* shall be obliged to justify by the original titles the *cens*, rents, dues, *lods et ventes*, and other servitudes, whether personal or real, with which they charge their vassals, and that in the absence of such titles these objects of servitude shall be abolished.<sup>1</sup>

<sup>1</sup> This *cahier* served as a model for the electoral assemblies of six other parishes.

*Aubigné.*—Let the vassals be freed from carting the stones for the lords' mills at their own expense ; let them also be dispensed from furnishing the wood for the mill-wheels.

*Aulnay-aux-Planches.*—The suppression of the right of *retrait*, exercised by the *seigneurs*, and that the dues of which the origin is not proved by good titles and are founded only on custom, be of no effect, and the communities dispensed from satisfying them.

*Aunac.*—Let the inhabitants be discharged from all dues of *minage*, *hallage*, and on the sale of cattle, and freed from the monopolies of mill and oven.

*Avord.*—How many parishes have lost the commons which they formerly possessed ! The law of the strongest has prevailed, and the villager has seen himself despoiled without daring to demand his rights. He has been checked by the heavy fees he would be obliged to advance to be able to re-enter into possession. This is the cause which, up to the present, has prevented the parish of Avord from prosecuting the heir of the usurper of its common lands.

*Baronville.*—The pigeon-houses cause much injury to proprietors ; if a sown field be not immediately harrowed, a large part of the seed is carried off by the pigeons, and the peasants find themselves without a harvest. Corn of all kinds scarcely begins to ripen before it is devoured ; we are afraid to leave the sheaves in the fields to dry and attain perfect maturity because these little robbers carry away as much as they can. If it please the States-General to maintain these cotes, we demand freedom to kill the birds in prohibited seasons.

*Beaune-la-Rolande.*—We demand the abolition of the seigneurial *corvées*, of the monopolies of mills, bakehouses, and winepresses, of hunting rights, and other oppressive charges of this description.

*Bénestroff.*—For many centuries France has distinguished itself above all other realms by destroying the

## 204 THE FALL OF FEUDALISM IN FRANCE

tyranny of petty sovereigns and according to all its subjects the glorious quality of free men. But, on looking closely into things, it will be seen that this is merely an empty title ; in fact, many of them are truly the serfs and slaves of the feudal lords who no longer discharge at their own expense the services attached to the benefits accorded them by the sovereigns and immensely increased by the people. Their subjects are constrained to an infinity of servitudes, both real and personal, rents, *cens*, dues, charges, *corvées*, and other similar rights over private and communal properties, without being able to plead or be heard before any tribunal. How good and consoling it would be if the bounty and wisdom of His Majesty set limits to such miseries, increased as they are every day by new inventions !

*Bertrichamp*.—We do not complain of the collection of the tithes which the Church is accustomed to levy on our harvests. Our ancestors conceded them to the priests who administer our parishes, and not otherwise ; yet our *curés* only enjoy the smallest part of these tithes, having been despoiled of the rest by the greatest possible abuse. We demand that all portions of the tithes of which our priests have been deprived be returned to us ; they would be employed in the building and maintenance of our churches. . . . We should use the surplus in relieving the poor of each community, and mendicity would be suppressed by the easiest and most just of methods.

*Bourg-des-Comptes*.—The tithe, that odious tax which deprives the peasant of the best portion of his crop, and is levied in so bizarre a fashion, shall be suppressed.

*Bezange-la-Petite*.—The dues for protection, a relic of the feudal system, ought to be abolished. As the *seigneurs* are released from the obligation of furnishing protection, equity demands that the vassals should be relieved from the dues for this purpose, which are very heavy for this little commune.

*Blanzac*.—As hunting and fishing are natural rights,

and the exclusive enjoyment of them which the *seigneurs* have arrogated to themselves is only the effect of authority, it shall be free to every one to hunt on his own land and to fish in the waters which are a part of his property.

*Bourdenay*.—It is not without pain that the communities see themselves deprived of their best properties on the pretext that there is no land without a lord. How many inconveniences arise from this cause ! The poor man cannot raise the cattle which are his only means of obtaining milk, butter, and cheese. We have been assured recently that the *seigneurs* have made titles for themselves on parchment, called charters, which, although they are new, seem old because of the form given them.

*Briel*.—The inhabitants complain of the infeudated tithe collected from their fields by the *seigneurs*. They demand the suppression of this tithe . . . and that it should return to its true and original destination in the hands of the parish priest.

*Bué*.—As there was at one time an intention to establish a monopoly of the mill in this parish, we humbly demand that all monopolies shall be suppressed as odious things ; and that all rights of toll shall be abolished or at least fixed in such a manner that every individual may know what he owes for his merchandise, and thus avoid many disputes.

*Butteaux*.—The greater part of these rights are the consequences of the rule of the strongest. The ignorance and barbarism of early ages gave them birth. The subtlety of the compilers of manor-rolls, who have mostly sold their souls to the *seigneurs*, has perpetuated and greatly increased them, unknown to the vassals. These believe themselves to have made declaration of a free heritage in a free custom, and are not a little surprised . . . when they find themselves pursued and constrained to the payment of certain dues which do not date farther back than the time of their last declaration. To have proof of this afflicting truth, it is only necessary to examine the manor-



## 206 THE FALL OF FEUDALISM IN FRANCE

rolls made during the last fifty, or even twenty-five years. It will be seen that they were compiled with only two objects in view : to extend the rights of the lords at the expense of their vassals, and to enrich the commissioners.

*Cabrerets*.—We demand the abolition of all species of tithes and casual fees ; each beneficiary should, at the same time, be given an income proportionate to his condition, and to the number and poverty of his parishioners.

*Cerbois*.—Among the various abuses there is one in their parish which does them the greatest wrong, namely, the swarms of pigeons belonging to the *seigneurs* and farmers of the neighbourhood. This abuse has been carried to such a point that the petitioners are obliged to double their sowings, and when the corn has reached maturity they are again compelled to take the greatest precautions to preserve it from the crops of these hungry birds.

The right of tithe which belongs to the *seigneurs* is most costly and vexatious. . . . If it be not abolished, there ought, at least, to be rules which would secure the rights of the poor from the cupidity of the lord's agents.

*Cernon*.—The seignorial rights that we owe to our lords (which were at one time our only charges) being now replaced by the taxes we pay to the King, these ancient rights should be suppressed as a double tax, save for the indemnities due to our *seigneurs*.

*Chassy*.—The rights of *bordelage* and *retrait* are odious ; the inhabitants of this parish hope that His Majesty, to encourage his people, will suppress these rights, or at least convert the *bordelage* into a *cens*.

*Châteauneuf*.—The tithes are, perhaps, one of the things which most discourage agriculture ; their diversity in each canton causes an infinity of lawsuits. In this parish there are some at a tenth, and others at a twentieth ; they are levied on lambs and on flax, even in gardens. The inhabitants demand that tithes shall be made uniform in this parish, and determined generally at a

thirtieth, as a sufficient portion in a region where cultivation is very expensive. Each household shall have exemption from green tithe in its garden.

In the number of seigneurial rights of which the suppression or reform interests the public are, firstly, the courses of quintain for newly-married persons, the still more singular obligations upon those who sell salted fish; these rights, which may be regarded as relics of the abuses of the feudal system, yield nothing useful to the *seigneur*, and limit liberty, marriages, and industry; we demand their extinction and that of all similar rights.<sup>1</sup>

Secondly, the obligation on a vassal to collect the dues of the fief in his turn and rank; often a vassal possesses only a small piece of land in a large fief, and, when his turn comes to collect, it costs him as much or nearly as much as the value of his property. . . .

Thirdly, the feudal *retrait* has always been regarded as an exorbitant right; it prevents the circulation of properties and restricts liberty. . . . It would be very desirable to suppress it entirely, and to reduce the right of *lods et ventes*, which, by an excessive usage, is a sixth in this district, to the general rate of the province.

*Cherville*.—We demand that the ancient custom in regard to the tithes shall be re-established, that is, that they shall be employed in assisting the poor of the parish, in the erection and repair of churches and presbyteries, and not in maintaining the splendour of the clergy of the first order.

*Coinces*.—The parish charges its deputies to support . . . the suppression of the ecclesiastical tithe, the right of *champart* and the feudal dues, and to request that permission shall be given to redeem them by the least

<sup>1</sup> On Easter Tuesday, "all fishmongers who have retailed fish during Lent" were obliged "to leap and plunge in the fish-ponds of Châteauneuf" on pain of a fine. *Sée and Lésort*, vol. iii. p. 132.

expensive method that the National Assembly can devise.<sup>1</sup>

*Condé-sur-Marne*.—Demands that the local customary law which presumes the allodality of lands shall be firmly established, and continues : But, as the rights pretended in favour of non-allodality are derived from slavery and servitude rather than from freedom and consent, it would be desirable that all rights which tend to enslave and humiliate humanity, and are the fruits of violence and usurpation, should be abolished . . . unless the titles of concession are exhibited to those from whom such rights are demanded.

*Corbeil*.—Let the seigneurial jurisdictions be maintained.

*Coulmiers*.—It is not sufficient that the animals and game which the Creator has given for the nourishment and support of man be reserved for the satisfaction of the sensuality of the rich, and that it be a punishable offence for a non-noble proprietor to clear his fields or set traps for them ; he is scarcely allowed to keep dogs for his defence on night journeys, when he walks along dangerous roads. In order to preserve the game that he never eats, it is sought to forbid him to clear the weeds from his field . . . he is not permitted, in many places, to cut the stubble after harvest. . . . How many ridiculous ordinances have been made, and still more unjust sentences inflicted, in regard to this question !

*Coupetz*.—The community complains of a right of *terrage* exercised by the *seigneur* on its territory ; it does not know on what this right is founded, and even thinks that it has been usurped. The right of levying *terrage* is not of common law ; it can only be acquired. Now, we cannot find that this has ever been done. . . . It follows that this alleged right has been wrongfully acquired. . . . In view of this the *seigneur* ought to prove

<sup>1</sup> This use of the expression " National Assembly " as early as March 1789 is noteworthy.

his right, and if he cannot do so, abandon it. . . . The lord of Coupetz also owns the river without ever having justified his possession by any title.

*Ecury-sur-Coole*.—All the feudal rights, including even the tithe, should be suppressed, or the people permitted to redeem them.

*Engenville*.—His Majesty shall be entreated to order that the pigeon-cotes built since his ordinances be pulled down, and their owners condemned to a fine of 300 *livres* for the benefit of the poor, on the denunciation of two inhabitants of the community.

*Epiniac*.—The suppression of the *francs-fiefs* ought also to enter into the beneficent views of Your Majesty. Such a tax, that we dare to call disastrous in itself, such a tax reminds us every twenty years, and at each mutation of property, of the degradation of the ancient serfs who could not possess land which had belonged to a noble without paying the *rachat* for it. In an enlightened age such as that in which we live, at the moment when Your Majesty wishes to draw us up from nothingness to give us the status of citizens ; at a time when the elevation of our souls permits us to take that title, you will not force us, Sire, to blush by reminding us of the humiliation of our forefathers. In this unhappy parish, three-quarters of the property owned by commoners is subject to *franc-fief*.

Ah ! Sire, how much is the unhappy peasant vexed ! On how many matters has he to demand justice from you ! The hunt is another of the branches of feudal tyranny ; in the night the peasant sees his lord's warrens empty themselves for the ravage of his crops and orchards ; during the day the pigeons fall in thousands on the fields he has just sown ; the hares nibble his corn, devour his few vegetables he has raised to eat with his dry bread ; he must suffer all these wrongs, abandon the morsel of bread which ought to nourish himself and his unhappy family on the morrow, so that he does not

## 210 THE FALL OF FEUDALISM IN FRANCE

interrupt the pleasures of a being similar to himself but whom Nature has made a gentleman. A new law, stronger than those which now exist, while permitting the destruction of the animals that devastate our crops, could, at the same time, protect them against careless hunters.

To meet the deficit . . . we can point out to you an efficacious means : it is the total suppression or drastic reform of the religious orders which are of no utility to your people, which fulfil no pastoral function, and whose revenues are immense ; most frequently they serve no purpose, but to foment disorder and spread debauchery in the country ; a life-pension could be assigned to each monk . . . and their possessions sold to meet the deficit, for we consider it more advantageous to the government to bring these into circulation than to administer them.

*Ercés-en-Lamée.*—The *corvées* which the *seigneurs* allege are due, and the harsh fashion in which they are enforced, have become so onerous to certain of the inhabitants that they are ready to abandon their lands in order to escape from them. The lords, moreover, have procurators-fiscal, who play the tyrant in every canton ; to obtain a penny due to the *seigneur* they will exact ten crowns in fees from a vassal, and will not cease to torment him till they have wrung him dry. . . . When it pleases a *seigneur* to demand an *aveu*, his procurator exhausts every species of chicanery to ruin the vassals, and invalidates their *aveux* for mere trifles ; to avoid this inconvenience, we desire that the *seigneurs* should supply us with an exact formula for the rendering of *aveux*, and that when this form is observed they cannot be invalidated ; this will avoid the brigandage of the subaltern officers, who obey no law but their own cupidity.

*Etreilles.*—They desire . . . that the *seigneurs* shall have no power to demand *triages* in the future.

*Fouquebrune.*—They [the deputies] will demand the abolition of *franc-fief*, which is a necessary consequence

of the fiscal equality between the three Orders. They must not pass over in silence our too just complaints touching the exorbitant tax of *franc-fief*, which, against natural right, takes two years' revenue from the proprietor, and even more in case of death.

*Fournès*.—We cannot pass over in silence the excessive abuses of which the lords' agents are culpable, and under which their vassals have long complained. The *censives*, and the *lods* which they demand for sales and mutations, are as exorbitant as they are unjust. What ! my necessities compel me to sell my property and I am forced to increase them to enrich the *seigneur* ! I take a piece of land from a debtor in payment of what he owes me, and I must add the seigneurial dues to my loss ! In any case, all rights which bear this name ought to be abolished ; they date from a time of slavery, and it would be worthy of an age of liberty to annihilate them.

*Grigneville*.—It is very desirable that there should be only one *seigneur* in each parish, for if an individual have five or six pieces of land, depending on several lords, he must furnish as many recognitions as there are *seigneurs*, which becomes very costly to him.

*Guichen*.—The right of *fumage* which exists in some cantons of the parish of Guichen should be suppressed ; this feudal due consists of six bushels of oats and a fowl, payable annually for each chimney in which fire and smoke is made, and amounts, in an average year, to 18 *livres* ; although the house is often not rented at 3 *livres*. The origin of this right is that the *seigneur* formerly provided his vassal with firewood during three months of the year, and even with large pieces of timber, when he wished to build. Now that the lord no longer makes this provision, it seems just to abolish so oppressive a right for ever, since because of it several villages have fallen into ruins.

*Guipel*.—There shall be no more *lods et ventes* on contracts of exchange ; this right, being levied against

## 212 THE FALL OF FEUDALISM IN FRANCE

the spirit of our customary law, is absolutely injurious to proprietors and to agriculture.

*Guitté*.—To render *aven* to a *seigneur* for a piece of land rented at 40 *sols* has cost 15 *livres* ; if this be not done to the fancy of the lord and his procurator-fiscal, it is invalidated and costs three and four times as much.

*Haussimont*.—The said community represents that it would be very desirable to abolish the right to maintain warrens. This is a scourge for agriculture wherever it exists. The rabbits destroy all the crops they can reach, including the woods. . . . The peasant receives nothing from his fields. He must, however, pay the tallage, the twentieths, and other taxes, as well as the dues he owes to his *seigneur*, which are always rigorously exacted. This right is odious and a source of ruinous disputes between the lord and his vassals.

*Iffendic*.—The *seigneurs* of fiefs . . . force their vassals to collect the feudal rents ; the cost of this collection is often greater than the value of the property the vassal holds under the fief. This is an abuse which has survived from the ancient feudal government. . . .

*La Baussaine*.—Let the odious rights of quintains, *soules*, and others of a similar nature be for ever extinguished and suppressed, as contrary to good morals and public order.

*La Caure*.—The pigeons, and the rabbits above all, cause great damage in our countryside ; we plough, we sow, we pay the taxes, the *cens* and the *surcens*, and yet we harvest scarcely anything, which ruins us from top to bottom ; we leave the greater part of our land fallow because of this misfortune and scourge. . . . The right of feudal *retrait* makes great and rich proprietors, diminishes the King's revenue, discourages individuals who wish to carry out improvements, and ends by ruining the communities where it is established. The *lods et ventes* are also a kind of tax. We therefore demand reform in all these matters ; the old days are gone for ever.

*La Couronne*.—The said inhabitants, considering that the seigneurial courts multiply the degrees of jurisdiction and cause useless expense, not to mention the abuses which take place in them, are of opinion that it would be advantageous to the public to order the suppression of all seigneurial jurisdictions. . . . Moreover, the inhabitants ask that all persons, of whatever quality, be forbidden to keep pigeons and pigeon-cotes, with the exception of *seigneurs* who possess the right of high justice.

*Laillé*.—By the usage of the fief, the greater part of our houses are subjected to a due called *fumage*; on some, it consists of a *somme* of oats, on others, of four-fifths of a *somme*.<sup>1</sup> This is much more than their value, and most of these houses are falling into ruins; our inhabitants fly to other parishes where these feudal charges do not exist. Most of the *fumages* have been established during the last twenty or thirty years in villages which had been exempt from them; in consequence, we demand to be discharged from them or that they be reduced.

*La Loupière*.—Endow the parish priests of each province with a sufficient income and suppress all the tithes.

*Laverdines*.—All *bordelages* and monopolies shall be extinguished and suppressed as odious.

*Les Bordes*.—The inhabitants of the country districts ought to be permitted to destroy the wild boars and the birds vulgarly known as starlings, which cause great injury to the crops, particularly at the harvest season.

*Lezinnes*.—The deputies of the Third Estate will demand that the rights of *cens* and *tierce* be abolished, as they are a heavier charge for the cultivators than the royal taxes.

*Lherm*.—The desire of the community is . . . that all the seigneurial courts should be suppressed, and that there should be established in each community justices

<sup>1</sup> The *somme* was a local measure, equal to "the ordinary load of a horse." Sée and Lésort, vol. ii, p. 211.



## 214 THE FALL OF FEUDALISM IN FRANCE

of the peace who will decide most disputes when they begin.

*Luisetaines*.—We demand and insist upon the reformation of the tithes, which have come to be the most frightful of taxes . . . and are employed at present to maintain the idleness of most of the monks and ecclesiastics, to the great scandal of religion.

*Mazargues*.—The inhabitants of Mazargues are crushed by the ingratitude of the soil they cultivate, by the dues with which it is charged, and by the abusive extensions which the *seigneur* or his agents give to his rights. . . . They render due homage to the personal virtues of their lord, but he cannot disabuse himself of the illusions of self-interest, and the inhabitants of Mazargues, too feeble to protest on their own account, solicit the aid of Marseille, their mother city.

They submit that their lands are subject to the *tasque* on all grain, olives, and vegetables, at the rate of one fourth of the crop; that for grapes the charge is one-fifth; that each household is subject to the annual due of a fat pullet, which the *seigneur* values at from 20 to 36 *sols*.

That the seignorial agents and rent-farmers restrict the liberty of the inhabitants at the time of harvest and vintage, inasmuch as they forbid them to be made without their permission or out of their presence, which is an unhead-of limitation and one that cannot be sustained by any title; that the monopoly of the bakehouse . . . leads to all sorts of vexations, excessive charges, refusals to cook, and negligence. To which it must be added that a single oven is insufficient for the place, and the inhabitants are compelled to lack bread; if, to procure this primary necessity, they address themselves to the neighbouring bakers, severity is pushed to the point of seizing their bread. . . . The *seigneur* ought to maintain a sufficient oven, and in default the inhabitants should be authorised, after giving twenty-four hours' notice, to have

their bread cooked where they please ; this is justice, and if it does not exist it must be established.

*Mesves-sur-Loire*.—Formerly, almost all parishes had a certain amount of land held jointly by the inhabitants, and called commons for this reason. These lands were most useful to the people, since they served as pastures for the cattle ; in this way almost every household could keep a cow from which it obtained a little milk. This was a great convenience for all, and more than a convenience for the children. The *seigneurs* have deprived the poor of this privilege by exploiting the commons for their own profit ; in consequence, no more cows, no more milk, and scarcely any food for the children. To deprive the children of food, or render it difficult to obtain, is to wound the people in the most grievous fashion. . . . This explanation will show how important it is, not only for the poor but for the State itself, that the commons should be given up by the *seigneurs*, who have done much less good by taking them than they have done wrong to the people and to the State.

There is much reason to complain of the expenses caused by the compilation of new manor-rolls. As these are made by the lords' orders and for their benefit, it would be just if they alone bore the cost, and not the vassals, for whom it is sufficient injury to be called away from their work to make the declarations demanded from them. And yet the *seigneur* . . . pays nothing and the vassal . . . pays for all. If he paid but little the injustice would be less crying, but the poor peasant, defenceless against the greed of the commissary, is obliged to pay all that he demands, and what he demands is sometimes equal to the value of the object declared. Commissaries have been known to extract 20,000 or 30,000 *livres* from parishes whose taxes amounted to only 1000 crowns. Such horrible exactions demand a reform which would compel those who are interested in its compilation to bear the costs of the manor-roll.

## 216 THE FALL OF FEUDALISM IN FRANCE

*Montgermont.*—We demand that the tithe of flax and others known as lesser tithes be suppressed.

*Noyal-sur-Vilaine.*—We demand that the feudal jurisdictions be abolished because of the too great authority they give the *seigneurs* over their vassals ; the latter rarely obtain justice in them. Let courts be established in each *arrondissement* ; let justice be rendered in the King's name and the officers . . . chosen from the order of plebeians, for commoners ought to judge one another.

*Pléchatel.*—Besides the rents that they are obliged to pay to the said *seigneurs* they are subjected to the *corvées* of mills . . . without any recompense ; and though they contribute to the repair of the mills they are defrauded daily by the millers, who retain a third of the corn brought to them. They also pay *lods et ventes* to the lords on each mutation of property, even for exchanges, at the eighth of the contract price. They demand to be discharged from all rents and other seigneurial dues, and from the right of *lods et ventes* ; that *franc-alieu* be the general law ; that they be exempt from the odious *corvée* of mills, and permitted to grind their corn where they please, without being tied to any particular mill.

*Précy.*—We demand the purchase of the seigneurial rents, *terrages*, and *champs* whether lay or ecclesiastical, at a price fixed by the States-General. They are burdensome rights, invented by feudalism, and repaid a hundred times ; they cause agriculture to languish, crush the peasant's industry, and discourage the proprietor.

*Puy-l'Evêque.*—This community has only too many examples of the commerce carried on by the *seigneurs* in lands which they acquire by means of the feudal *retrait* or through the surcharges they impose upon purchasers. O august Prince ! it was reserved for you alone to destroy the prejudices which degrade the citizen and overwhelm the poor man in his cottage ; therefore we hope that in your wisdom you will suppress this right of *retrait* as

contrary to social laws ; abolish the rights of *acapte* which serve no purpose but to renew the tears, sighs, and regrets of families for a father who takes with him in death the hopes, the ease and very often the bread of his children. . . . You will add to these benefits by the prescription after thirty years of all feudal and seigneurial dues. What, in truth, can be more iniquitous than for a *seigneur* to demand, even extort, by means of a title three or four hundred years old, a rent which has perhaps been bought up, enfranchised or modified ; nay, more, has possibly never existed ? It is the height of tyranny, of contempt for good sense and sane reason.

*Roquemaure*.—The tolls should be totally abolished throughout the realm. These odious rights ought no longer to exist, since the roads, bridges, causeways, and banks of streams, as well as the police, have for centuries been kept up at the expense of the people. The indemnity, if it be absolutely necessary to accord one to those who enjoy these rights, would be a small matter in comparison with the advantage to be derived from their suppression. Churches which own tolls might be compensated by means of a benefice of an equivalent revenue. From Le Bourg-Saint-Andéol to Arles, there are seven tolls belonging to the Church.

*Rouvray-Saint-Denis*.—We submit that the right of *franc-fief* is burdensome to the people, especially to small proprietors ; these properties ought not to be owned by the *seigneurs*. And, in truth, is it not a misfortune for small holders and poor persons, who only possess three or four *mines* of land, to be obliged to pay a year's revenue, or even more, at each mutation and every twenty years ? In consequence, we demand the abolition of this tax.

*Rox-sur-Couesnon*.—All seigneurial servitudes whatever, as well as the *lods et ventes* on contracts of exchange, shall be definitively and irrevocably suppressed, the servitudes being contrary to natural right and good

## 218 THE FALL OF FEUDALISM IN FRANCE

order, and the *lods et ventes* on exchanges improper, since this species of contract cannot and ought not to be considered as an alienation.

*Rugny*.—The deputies will represent that, as almost all the *seigneurs* farm out their feudal rights, it is to the interest of the farmers to extend them as much as they possibly can ; that very often they exact the *tierce* in places where only a *cens* is due, and the poor peasant, who trembles at the sight of a summons, prefers to pay rather than sustain a prosecution.

*Sabran*.—The tithe ought to be suppressed. It was accorded in the beginning to apostolic pastors who esteemed it an honour to instruct the people, who edified it by their example, assisted and consoled it in the different situations of life. To-day it passes to men who are known, most frequently, only by the orders to seize the fruits of land they have not cultivated that they transmit to their agents.

*Saint-Amand-de-Bonnieu*.—The parish is much surcharged with feudal rents due to nine or ten *seigneurs*, which rents absorb its revenues. Most of the properties pay more than three bushels of corn per ploughland. . . . When the proprietors have sown their land in the hope of gaining their living and paying their rents and taxes, the lords of the neighbourhood hunt across the fields at all seasons, on horse and on foot, with packs of dogs, so that at all times the harvest is destroyed.

*Saint-Cernin*.—The community of Saint-Cernin will end its remonstrances by a slight sketch of its sad situation. For a century its soil has been devastated by the torrents . . . it totally lacks forage and pasture ; it pays so excessive a *censive* that after it has paid to the tithe-owner, the King, and the different *seigneurs*, there remains for each inhabitant's subsistence no more than 2 *sols* per day.

*Saint-Hilaire-le-Grand*.—A thing which excites the protests and complaints of a great number of parishes in

Champagne, and of the parish of Grand-Saint-Hilaire in particular, is that all the inhabitants without distinction, and the peasants more than any others, are subjected to seigniorial rights which deprive them of part of their harvests. Several cantons of this territory are also charged with *cens* and *surcens* which are injurious to agriculture, since these sorts of rights (the titles, origins, and limits of which are not always known) are rigorously exacted, even in bad years. The general wish of the Third Estate is that these taxes, which are evidently relics of feudal barbarism and servitude that contribute nothing to the prosperity of the realm, should be abolished if possible, or at least modified to the point of being no longer onerous to the people; if justice is opposed to their suppression, at least the parishes should be authorised to enfranchise themselves by a sum of money paid once for all.

*Saint-Jean-de-Béré*.—The tolls, rights of *leude*, customs, *havage*, *prevôté*, and others of this character, levied by various lords on the cattle, commodities, and merchandise carried to, and sold in, the fairs and markets of the towns, boroughs, and villages, are so many taxes raised from the King's subjects; they have no other foundation than the usurpation of the *seigneurs* on the royal rights; they are contrary to the freedom of commerce, and establish a vexatious inquisition over merchants. For these reasons, the inhabitants demand the abolition of such rights, and that in future the King alone shall levy impositions on the subjects of his realm.

The *seigneurs* lay hands indiscriminately on the commons, wastes, and pastures; they lease out even the streets and exits from villages. The unfortunates who lived on the products of one or two cows which furnished them with milk and gave subsistence to their children, have been deprived of this resource by the enclosures made on the commons. . . . They dare not even complain; they lack the means to sustain a lawsuit; they

## 220 THE FALL OF FEUDALISM IN FRANCE

weep and give themselves over to despair. Therefore, the inhabitants demand and solicit a definitive regulation, which, without regard to the enclosures made in the last forty years, shall fix and determine the property of the vassals in the wastes and commons, according to the infeudations, and that all disputes which may arise out of the execution of this regulation shall be decided by the royal judges.

*Saint-Loup-des-Vignes.*—We demand that the manor-rolls shall not be renewed oftener than every fifty years, and that the fees of the commissaries be reduced.

*Saint-Père-Marc-en-Poulet.*—The feudal *retraits*, in themselves injurious to circulation and to the good of agriculture, shall, if not suppressed, at least be reduced within the narrowest limits, that, in consequence, the *seigneurs* shall not be permitted to exercise this exorbitant right of feudalism save in cases of indispensable necessity . . . and that the odious faculty the lords possess of ceding their right of *retrait* shall be abolished, as contrary to equity and the principles of social liberty.

*Sainte-Vertu.*—The community demands the abolition of the seigneurial justices and their replacement by royal judges and notaries.

*Thorey.*—It would be very advantageous, both to the State and the people, to abolish the *cens*, *corvées*, and *tierces*, which are survivals of ancient servitude and encroachments on the sovereign's rights; they often make it impossible for individuals to pay the royal taxes.

*Tilloy.*—The seigneurial *corvées* should be suppressed as dishonourable and degrading to the French people.

*Tinténiaç.*—There is still at Tinténiaç a charge which ought no longer to exist, namely, that of *havage*; it is raised at the principal fairs on corn, butter, and other commodities exposed for sale. This due was tolerated in the days when the *seigneurs* were charged with the pursuit of crimes . . . but now that these same crimes

are prosecuted at the cost of the King's domains, the said due ought no longer to exist.

*Tivernon*.—We demand that the lords shall no longer be permitted to plant avenues of elms and other trees injurious to agriculture along the roads and on the properties of private persons, unless the latter have given their consent and received compensation for the damage such plantations may cause them.

*Tonnerre*.—Since all the *seigneurs* are proceeding to renew their manor-rolls, the deputies will point out that the fees of the commissaries have been prodigiously increased in recent years, and have become an overwhelming surcharge upon the people.

*Tresbœuf*.—The inhabitants complain . . . that as certain lords of fiefs allow their feudal rents to fall into arrears for sometimes twenty-nine or thirty years, it happens that properties charged with heavy rents are found to be burdened beyond their intrinsic value, which compels the proprietors to alienate them to meet the arrears. For this reason it would appear to be just that *seigneurs* should not be allowed to demand their rents after five years.

*Vannes*.—The municipality solicits: The suppression of all the small jurisdictions which are so burdensome to the people, above all, in the rural districts. . . . The abolition of all tithes and *champarts*, levied on the various products of agriculture.

*Vasteville*.—The parish of Vasteville . . . had, as its only resource, several heaths, downs, valleys, and commons over which it enjoyed a right of pasturage; but the *seigneur* has seized them by violence and leased them out. This deprives the community of all resources, enfeebles agriculture, and diminishes population. . . . The community very humbly represents that it is afflicted, eaten up, and pillaged by the rabbits and pigeons which destroy the corn, and is unable to defend itself as fire-arms are absolutely prohibited. It would, therefore, be a



## 222 THE FALL OF FEUDALISM IN FRANCE

general benefit to all the rural districts if these abuses were destroyed.

*Villeau*.—We submit that it would be very beneficial to the Third Estate to abolish the right of *franc-fief* which all non-noble proprietors are obliged to pay to the King every twenty years, and at all deaths and mutations. This charge is infinitely burdensome, since it absorbs one and a half years' revenue of noble land ; it is, at the same time, very restrictive of the sale and alienation of this class of property.

*Villeneuve-l'Archevêque*.—Another abuse in the administration of justice is the multiplicity of seigneurial courts, of which five or more are often found in a single parish ; in most of these jurisdictions it is impossible to find officers who reside on the spot, which causes justice to languish and imposes illegal fees on the parties. . . . In most of these jurisdictions there are no prisons. For these and other reasons all such courts should be suppressed, and replaced by royal courts in each arrondissement.

*Villereau*.—The inhabitants of Villereau demand that the tithe raised in their parish shall be paid in kind as in the past, and that the *champarts* shall be suppressed. They offer to redeem this right at the valuation made of it.

They entreat His Majesty to permit the inhabitants of parishes which border on the forest, or where there are warrens, to kill the rabbits and other game on their own land ; also to enjoin the *seigneurs* who have pigeon-cotes to kill their pigeons.

*Villers-aux-Corneilles*.—Suppress all the ecclesiastical lordships which, to the detriment of religion, inspire great pride in those who possess them, and employ their revenues for the good of the State.

*Villiers-Louis*.—The inhabitants charge their deputies : To demand the suppression of the monopolies of mills. They suffer the greatest damage from this

cause by reason of the harshness of the millers and the arbitrary character of their fees, which deprive them of a portion of their corn. . . . To observe that, if the game destroys the harvests, the multitude of pigeons is also very injurious, because they carry off the seed and eat the crops when they come to maturity.



# INDEX

- Acapte*, 24, 130, 135, 189  
 Agenais, Feudal rights in the, 37  
 Aiguillon, Duc d', 102, 103, 106, 107  
 Aix-en-Issart, 62  
 Alençon, 45, 48  
 Allier, Insurrections in the, 161  
 Alsace, Feudal rights in, 10, 11, 14, 15, 22, 23  
 — Insurrections in, 109, 121-2, 169, 187  
 — Landownership in, 58, 60, 63  
 Amiens, 62  
 Amont, 80  
 Angers, 197  
 Angoumois, Feudal rights in, 18, 43  
 — Peasants of, 67  
 Ansois, 24  
 Arc-sur-Tille, 25  
 Argentan, 114  
 Argenteuil, 83  
 Arles, Archbishop of, 108  
 Arras, 60  
 Artigues, 66  
 Artix, 11  
 Artois, Count d', 90  
 — Feudal rights in, 14, 15  
 — Landownership in, 58, 60  
 Asnan, 162  
 Attigny, 117  
 Aulard, A., 7, 10, 22, 38, 42, 175, 194, 196  
 Auvergne, Distribution of property in, 58, 60, 63  
 — Feudal rights in, 10, 11, 14, 15, 22, 23  
 — Insurrections in, 109, 121-2, 169, 187  
 Auxerre, 22  
 Auxey-le-Grand, 49  
*Aveux*, 19, 34, 42, 133, 159  
 Bain, 74, 121  
 Balaze, 70  
*Banalités*, 25, 77, 133-4  
*Bans de vendange*, 32, 133  
*Banvins*, 32, 133  
 Bar-sur-Seine, 49  
 Basses-Alpes, Insurrections in the, 118, 163  
 Bastille, Capture of the, 91-3  
 Baudoncourt, 96  
 Béarn, Distribution of property in, 58  
 Beaufremont, Princesse de, 94  
 Beaujolais, Industry in the, 54, 142  
 Beaulieu, 159  
 Beauregard, 63  
 Belfort, 158  
 Bellefond, 84  
 Bellegarde, 85  
 Bernier, Abbé, 60  
 Berry, Distribution of property in, 60  
 — Feudal rights in, 6, 16, 29  
 Besançon, 89  
 Betancourt, 94, 119  
 Biauzet, Gualtier de, 136  
*Bienvenue*, 11  
 Birac, 24  
 Blandy, 171  
 Bleruais, 74  
 Boiteau, P., xviii, 55  
 Boitron, 87  
 Boncerf, 6, 7, 41, 42  
*Bordelage*, 6, 132, 192  
 Bordelais, Distribution of property in the, 57  
 — Feudal rights in the, 36  
 Bouches-du-Rhône, 163  
 Bouillon, Duc de, 45  
 Bourbonnais, Feudal rights in the, 22  
 Bourbriac, 37  
 Bourey, 37  
 Bourges, 66, 72  
 Bouron, 116

## 226 THE FALL OF FEUDALISM IN FRANCE

- Bouteillage*, 31  
 Bouzonville, 109  
 Brangues, 150  
 Bréhal, 37  
 Breuvery, 29  
 Bricqueville-la-Blouette, 70  
 Bridrey, E., 57, 71  
 Brienon-sur-Armançon, 28  
 Brittany, *Cahiers* of, 71, 72  
 — Distribution of property in, 23, 59  
 — Enclosures in, 48, 50, 81  
 — Feudal rights in, 10, 14, 22-5, 34, 37, 43, 48  
 — Industry in, 54  
 — Insurrections in, 93, 94, 119-21, 171  
 — Peasants of, 65, 75  
 Brotte, 96  
 Broves, 27  
 Burgoin, 93, 97  
 Burgundy, Distribution of property in, 21, 58  
 — Enclosures in, 49, 50  
 — Feudal rights in, 5, 6, 32  
 — Insurrections in, 94  
 Bussière, G., 53, 54, 122, 124  
 Buxières, 161  
 Buzot, 105  
  
 Cabrières-d'Aigues, 27  
*Cahiers de doléances*, 67 et seq., 141  
 Campel, 120  
*Cantonement*, 48  
 Capet, Hugues, xv  
 Castillon, 23  
 Castres, 108  
 Catus, 37  
 Caudan, 157  
 Caulnes, 10  
 Celles, 63  
*Cens, Censive*, 12, 43, 77, 78, 135, 171, 180  
 Chalons, 44  
 Champagne, Distribution of property in, 22, 63  
 — Feudal rights in, 11, 12, 15, 35, 37, 44  
 — Peasants of, 63  
*Champart*, 12-14, 44, 45, 77, 112, 130, 135, 154, 171-2, 180, 190  
 Champigny, 21  
 Champion, E., 11, 55, 66, 71  
 Chaon, 177  
 Chapelier, 105  
  
 Charente, Insurrections in the, 170  
 Charlier, 196  
 Chartres, Bishop of, 105  
 Chasset, 143  
 Châteaubriant, 184  
 Château-Thierry, 89  
 Châteauvillain, 162  
 Chatelet, Duc du, 105  
 Chatillon, 54  
*Chef-feu*, 11, 133  
 Chevannes, 66  
 Cieurac, 75  
 Clerget, Abbé, 6  
 Clermont-Tonnerre, M. de, 8, 96  
 Club, Breton, 102  
 Coligny, 35  
 Colombe, 37  
 Combleux, 77  
 Combret, 115  
*Commissaires à terrier*, 20  
 Commons. See Enclosures  
 Conard, P., 56, 99, 117  
 Corrèze, Insurrections in the, 162, 163, 172  
*Corsage*, 11  
*Corvées*, 2, 12, 15, 34, 77, 80, 133, 155  
 Cossé, Brissac, Duc de, 175  
 Côte-d'Or, 25  
 Cotentin, Distribution of property in the, 57  
 — Feudal rights in the, 37  
 Coulonches, 98  
 Courceaux, 35  
 Cremieu, 93  
 Creuse, Insurrections in the, 171  
 Croses, 63  
 Cuguen, 27  
  
 Davenescourt, 162  
 Dauphiné, Distribution of property in, 58, 63  
 — Feudal rights in, 38, 56  
 — Insurrections in, 93, 94, 97, 99, 100, 108, 118  
 Decrees, August 1789, 110, 112, 115  
 — March 1790, 128, 147  
 — April, 1790, 143  
 — May 1790, 128, 147  
 — June 1790, 174  
 — August 1790, 145  
 — September 1790, 145  
 — October 1790, 144  
 — November 1790, 174

- Decrees, April 1791, 174  
 — August 1792, 190  
 — June 1793, 195  
 — July 1793, 196  
 Delisle, L., 1  
 Dijon, 89  
 Documents, Burning of feudal,  
     196-7  
*Domaine congéable*, 59  
 Dorliac, 188  
 Dornont, 82  
 Dues, Feudal, in Middle Ages,  
     2, 12  
 — Feudal, in 1789, 3, 35  
 — Origin of feudal, 33  
 — See also Cens, Mainmorte, etc.  
 Dupont, E., 19, 34  
 Dupont de Nemours, 142  
  
 Ebblinghem, 158  
 Echemines, 26  
 Edicts, 1669, 48, 137, 193  
 — 1768, 39  
 — 1779, 7, 8, 110  
 — 1786, 39  
 Enclosures, 47 et seq., 81, 193, 195  
 Enfranchisements, 4, 7-10  
 Entragues, Count d', 90  
 Erbray, 23  
 Espère, 36, 64  
 Essey-les-Nancy, 11  
 Estenos, 62  
*Etalage*, 31  
  
 Fairs, 31, 133  
 Faucherais, 28  
 "Fear, Great," 92, 97  
 Finot, Jules, 6  
 Flach, Jules, 35  
 Flanders, Feudal rights in, 14  
*Florinage*, 27  
 Fontaine, Priory of, 7  
 Fontenay-Bossery, 77  
 Fontignau, 157  
 Forcalquier, 64  
*Formariage*, 10  
 Fouesnel, 23  
*Franc-alleu*, 21, 56  
*Franc-fief*, 61, 62, 85, 134  
 Franche-Comté, Feudal rights in,  
     5, 6, 9, 10  
 — Insurrections in, 94, 97  
 — Parliament of, 8  
 Froide-Conche, 96  
*Fumage*, 46, 133  
 Fustel de Coulanges, xv  
  
 Gandilhon, 29, 72  
 Garat, 194  
 Gard, Insurrections in the, 169,  
     187  
 Germeville, 43  
 Gers, 162  
 Giffard (A.), 35  
 Gimel, 57  
 Glanettes, 28  
 Godin, 166-9  
 Goudex, 62  
 Grandechamps, 32  
 Grimaucourt, 116  
 Gua, 118  
 Guerstling, 182  
 Guithen, 15  
  
 Hainaut, Feudal rights in, 14  
*Hallage*, 31  
 Hambye, Abbey of, 12  
 Hammond, J. L. & B., 47  
 Hanotaux, G., xvi  
 Haucourt, 116  
 Hautbois, 28  
 Haye-Dix, 28  
 Heiteren, 119  
 Heriot, 24  
 Hunting, Rights of, 28, 81, 111,  
     158  
 Hurigny, 99, 100  
  
 Illiteracy, 65  
 Insurrections. See under names of  
     Provinces and Departments  
 Isoré, 196  
 Issé, 19  
  
 Jouy-sous-les-Côtes, 160  
 Jurisdictions, Feudal, xvii, 3, 33,  
     83, 111, 144-5, 158  
  
 Karéiew, N., 5, 45, 56, 135  
 Kerengall, Le Guen de, 103  
 Ker-Salun, Comte de, 119  
 Kovalewsky, M., 23, 45, 55  
 Kropotkin, P., 92, 99  
  
 La Beslière, 16  
 La Chapelle, 96  
 La Ferrière-Borchard, 49  
 Laillé, 46  
 La Lande d'Airon, 70  
 La Marche, 9  
 La Molle, 45  
 Landres, 96  
 Languedoc, Feudal rights in, 20

## 228 THE FALL OF FEUDALISM IN FRANCE

- Languedoc, Insurrections in, 163  
 Lanjuinais, 106  
 Laon, 54  
 Lardimalie, Foucauld de, 127  
 Largouet, 32  
 Larochefoucauld, Duc de, 41  
 La Rougère, 9  
 Launac, 66  
 Lautour-Duchatel, 188  
 Le Mele, 27  
 Le Mesnil-sur-Oger, 44  
 Lengronne, 12  
 Lens-Lestang, 108  
 Liancourt, Duc de, 108  
 Limousin, Distribution of property in the, 58, 60, 62  
 — Insurrections in the, 127  
 Limousis, 18, 44  
 Lindre, 114  
*Lods et ventes*, 22, 23, 24, 34, 45, 61, 77, 78, 130, 135, 181, 189  
 Loiret, Insurrections in the, 162, 173  
 Lorraine, Feudal rights in, 11, 14, 15, 22, 24, 27, 44  
 — Insurrections in, 109, 114-5  
 Lostanges, Marquis de, 174-7  
 Lot, Insurrections in the, 165-9, 171-2, 187, 194  
 Lot-et-Garonne, 24, 115  
 Loubedat, 115  
 Louhans, 197  
 Louis le Gros, xvi  
 Louis XI, xvi  
 Louis XIV, xv, xvi  
 Louis XVI, 7, 89, 108, 110  
 Loupiac, 38  
 Loutchisky, J., 42, 46, 54, 57, 58, 60, 62  
 Loyette, 50  
 Luchaire, A., 1  
 Luxeuil, Abbey of, 5, 7, 89, 96  
  
 Maconnais, Insurrections in the, 94, 99, 100  
 Mailhe, 189, 193  
 Maillerancourt, 96  
 Maine, Insurrections in, 94, 98, 114, 169  
*Mainmorte*, 4-10, 45, 78, 109, 111, 130, 131-3, 155, 192  
 Malaucourt, 116  
 Malgolerian, 32  
 Marat, J. P., 110  
 Marche, *Mainmorte* in, 6, 9  
*Marciage*, 24  
  
 Marcillé-Robert, 70  
 Margerie, 77  
 Marion, H., 38, 40, 144  
 Marion, M., 36, 37, 38, 46, 57, 79  
 Markets, 31, 133  
 Marseilles, 89  
 Marthon, 18  
 Mathieu, Cardinal, 15  
 Maumusson, 50  
 Measures, 18, 31  
 Mège, F., 25, 42, 46  
 Merlin de Douai, 128, 144, 170  
 Mesnil-Garnier, 37  
*Mesurage*, 31  
 Mirabeau, 106  
 — Marquise de, 22  
 Mirécourt, 197  
 Monopolies, Feudal, 2, 3, 25, 43, 77, 80, 133-4, 155  
 Montaign-les-Bois, 37  
 Montaut, 164  
 Montferrat, 38, 149  
 Montigny, 95  
 Montjoye-Vaufrey, 45, 50  
 Montmédy, 44  
 Montpezat, 127  
 Morbihan, Insurrections in the, 171  
  
 Nadillac, 40  
 Nancy, Bishop of, 105  
 Necker, 7, 55, 58, 84, 89, 142  
 Nemours, 45  
 Nerac, 115  
 Nérondes, 79  
 Nîmes, 85  
 Nitting, 160  
 Nivernais, *Mainmorte* in the, 5  
 Noailles, Duc de, 62  
 — Vicomte de, 102, 103  
*Noblesse*, xvii, 28  
 Normandy, Distribution of property in, 57, 59  
 — Feudal rights in, 4, 22, 37  
 — Insurrections in, 94  
 Notables, Assembly of, 41  
 Nouzier, Prior of, 9  
 Nuisement-sur-Coole, 44  
  
 Oger, 63  
 Ognéville, 160  
 Omelmont, 15  
 Oraison, 119  
 Orléanais, Feudal rights in the, 13  
 — Industry in the, 54

- Ornacieux, 93  
 Oudot, 189
- Paimpont, 22  
 Paladru, 93  
 Palluand, 38  
 Pas-de-Calais, Distribution of property in the, 21  
 Passage, 93  
 Peasants, Economic condition of, 63 et seq.  
 — Illiteracy of, 65, 66  
 Périgord, Insurrections in, 122-6 170  
 — Peasants of, 53  
 Peypin-d'Aigues, 43  
 Picardy, Distribution of property in, 58  
 — *Franc-fief* in, 61  
 Pierre-Buffière, 22  
 Pierre-Moraine, 12, 37  
 Pierreville, 73  
 Pigeons, 28, 81, 111  
 Plerguer, 82  
 Pleumeleuc, 25  
 Ploërmel, 121  
 Plombières, 96  
 Poët-Sigillat, 118  
 Poitiers, 44  
 Poitou, Distribution of property in, 59  
 — Insurrections in, 94  
 — *Noblesse* of, xviii  
 Pons, Vicomtesse de, 93  
 Pont-Dauphin, 28  
 Ponthole, 49  
 Pontonnage, 31, 133  
 Prélotion, 23, 115, 133  
 Provence, Duc de, 48  
 — Feudal rights in, 11, 43  
 — Insurrections in, 93, 108, 118  
 Prussia, Feudalism in, 16  
 Pulverage, 31, 133  
 Purgerot, 94  
 Pusey, 9
- Québriac, 29  
 Quercy, Distribution of property in, 58  
 — Feudal rights in, 11, 24, 25, 36  
 — Insurrections in, 122, 165  
 — Peasants of, 64-5  
 — Tithes in, 40  
 Quevaise, 10, 132, 192  
 Quevilloncourt, 15  
 Quimper, 119
- Quimperlé, 29  
 Quincerot, 160  
 Quint, 24, 77, 189
- Rachat*, 24, 130, 135, 189  
*Raclage*, 31  
 Reaction, Feudal, 41 et seq., 60  
 Redon, 121  
 Reliefs, Feudal, 25, 189  
 Renaudon, 13  
 Rennes, 27, 121  
*Requint*, 24, 77, 189  
*Retrait*, 23, 61, 115, 133, 157  
 Rewbell, 109  
 Ricard, 106  
 Riez, 118  
 Riom, 109  
 Robespierre, 127, 137  
 Robin, 166-9  
 Roquépine, Marquis de, 62  
 Rouergue, Insurrections in the, 122  
 — *Noblesse* of the, xviii  
 Roussillon, *Noblesse* of, 107  
 Ruffec, Marquis de, 67  
 Ruffigné, 20, 37
- Sagnac, Ph., 42, 129-30, 136, 147, 181  
 Saint-Cirgues-de-Jordanc, 13  
 Saint-Claude, Seris of, 7, 8  
 Saint-Cyr, 87  
 Saint-Ferjus, 150  
 Saint-Jean-de-Béré, 66, 82  
 Saint-Leger-de-Fougères, 66  
 Saint-Lô, 72  
 Saint-Lormel, 26  
 Saint-Maixent, 159  
 Saint-Martin-de-la-Brasque, 43  
 Saint-Martin-du-Tertre, 82  
 Saint-Maugan, 26, 75, 121  
 Saint-Maurice-sur-Fessard, 13, 160  
 Sainte-Maxime, 27  
 Saint-Nicholas-de-Pendray, 18  
 Saint-Omer, 60  
 Saint-Péran, 17, 19  
 Saint-Pierre-le-Moutier, 5  
 Saint-Simon, xvii  
 Sainte-Solange, 26  
 Saint-Victor, Abbey of, 108  
 Saponcourt, 80, 94  
 Sarcelles, 66  
 Sauvagère, 98  
*Sauvegarde*, 14, 133  
 Savignac-de-Miremont, 79  
 Savigny, 30



## 280 THE FALL OF FEUDALISM IN FRANCE

- Savoy, Tithes in, 40  
 Sée, H., 1, 19, 23, 24, 28, 33, 34, 46,  
     56, 57, 59  
*Seigneuries*, xv, 1, 3  
 Seignobos, C., 1  
 Seine-et-Marne, 172  
 Seine-et-Oise, Insurrections in the,  
     171  
 Senneçay, 70  
 Sens, Archbishop of, 26, 82  
     — Tolls at, 31, 45  
 Serfdom, 2-10, 130  
*Sergentise*, 17, 158  
 Sieyès, Abbé, 71, 101, 106  
 Soissons, 60  
 Solidarity, 14, 29, 190  
 Somme, Insurrections in the, 171  
 Strasburg, 89  
  
 Taine, H., 36  
 Tallage, 133  
 Talleyrand, 142  
 Tantonville, 15  
 Target, 55, 102  
*Tasque*, 44, 180  
 Tavannes, M. de Saulx, 25  
 Tawney, R. H., 47  
*Terrage*, 12, 13, 45, 135, 138  
*Terriers*, 20, 46  
 Thorouet, Abbey of, 27  
 Thouret, 71  
 Thuellius, 148  
 Thueyts, 90  
*Tierce*, 12, 135, 154  
 Tinténiaç, 16  
 Tithes, 38, 83, 108, 109, 112, 135,  
     142-4, 158  
 Tocqueville, A. de, xvii, 32, 55,  
     57  
  
 Tolls, Feudal, 31, 45, 133  
 Toulouse, 54, 58, 60  
 Touraine, Distribution of pro-  
     perty in, 60  
     — Feudal rights in, 45  
 Tournau, 158  
 Touzac, 25, 79  
 Treilly, 37  
 Trévérien, 74  
*Triages*, 48, 50, 51, 137, 193  
 Trouchet, 128, 136, 141  
 Turgot, 7, 32, 42, 79  
  
 Urvillers, 162  
 Uzureau, Abbé, 197  
  
 Vacqueville, 115  
 Vannes, 84  
 Vasselay, 65  
 Vélosnes, 158  
 Venisey, 94  
 Vesoul, 94  
 Vienne, 56, 84  
 Ville-d'Abray, 82  
 Villedebidon, 87  
 Villeneuve, 157  
 Villeneuve-l'Archevêque, 26, 31  
 Virieu, Comte de, 105  
 Vironcourt, 96  
 Voltaire, 7, 8, 42  
  
 Watch and Ward, 14, 133  
 Weights, 31  
 Wolves, 29  
  
 Yonne, Department of the, 31,  
     163, 172  
 Young, Arthur, xvii, 58, 64, 65,  
     89, 92, 100, 112



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